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Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

No. _____

IN THE

Supreme Court of the United States

RICHARD LOUIS ADAM

Petitioner,

v.

STATE OF HAWAII "et al"

Respondent.

Petition for an Extraordinary Writ to the Hawaii Supreme Court

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PETITION FOR AN EXTRAORDINARY WRIT

Habeas Corpus

RICHARD L. ADAM
141 Lancaster Road Lot 30
Gorham, New Hampshire 03581
Tel. 1 (603) 723-1019

QUESTIONS PRESENTED

1. Did the Hawaii Supreme Court of the State of Hawaii violated Petitioner's federal constitutional right to due process under the First, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendment to the United States Constitution when Petitioner was denied his right to give evidence that his conviction had been affirmed by fraud by concealment, omission, deception, fabrication, evasion, racial conspiracy and racial discrimination. Petitioner filed a motion with the Hawaii Supreme Court to annul Judgment of assault in the 2nd degree, Terroristic Threatning in the 1st degree, was denied on the falsehood by the Hawaii Supreme Court that petitioner is represented by counsel. Petitioner is not represented by counsel for the motion to annul and Petitioner's evidence is clear and absolute proof of petitioner's innocence and that Petitioner's arrest and conviction was obtained and affirmed through fraud by concealment, omission fabrication, deception, evasion, racial conspiracy, racial discrimination, exculpatory evidence, suborned perjury and tampered transcripts.

2. Did the Hawaii Supreme Court of the State of Hawaii violate Petitioner's federal constitutional right to due process under the First, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendment to the United States Constitution when Petitioner was denied his right to give evidence in regards to the false contempt charge pending before the Hawaii Supreme Court. And using the evasive twisted excuse to elude Petitioner; that petitioner said in his motion for reconsideration that petitioners court appointed attorney for contempt charge does not want to file a rule 40 petition. Petitioner does not say Court appointed attorney does not want to file rule 40 petition in his

motion for reconsideration. Attorney was appointed by third Circuit Court for contempt appeal only. And respondents are falsifying court appointed counsels appointment in order to elude and evade Petitioner and his evidence that incriminates a friend and associate of theirs. "Circuit Court Judge Ronald Ibarra" Petitioner filed a motion to correct error of Appellate counsel, supplemental motion to correct error and a 2nd supplemental motion to correct error of appellate counsel which are being ignored because they incriminate their friend and associate Judge Ronald Ibarra who is guilty of complete Usurpation of Judicial power and respondent are committing clear Usurpation of Judicial power by eluding and evading Petitioner and evidence of convictions by fraud by concealment, omission, fabrication, Deception evasion, racial conspiracy and racial discrimination. And abuse of contempt powers.

LIST OF PARTIES TO THE PROCEEDINGS

The Petitioner in this case is Richard Louis Adam.

Attorney Michael G. M. Ostendorp

Attorney Shawn Luiz

The Respondents for the State of Hawaii are as follows:

Attorney Thomas Arthur Hensley

Circuit court Judge Ronald Ibarra

Court Reporter Susan Nakamoto

Prosecutor Linda Walton

Prosecutor Dale Ross

Attorney Alfred Lerma

Attorney Peter Brishianni

Attorney Paul Dolan

Attorney Frank Miller

Hawaii Intermediate Court of Appeals Judge C. J. Burns

Hawaii Supreme Court Judge J. Acoba

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STATUTES

28 U. S. C. 1651

CONSTITUTION

First Amendment

Second Amendment

Fourth Amendment

Fifth Amendment

Sixth Amendment

Eighth Amendment

Ninth Amendment

Thirteenth Amendment, abolished involuntary servitude, "we were in bondage".

Fourteenth Amendment

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PETITION FOR AN EXTRAORDINARY WRIT

Petitioner Richard Adam, the defendant in the Third Circuit Court of the State of Hawaii and the Defendant-Appellant in the Intermediate Court of Appeals and the Hawaii Supreme Court, due to extraordinary circumstances of Usurpation of Judicial

Power and fraud by concealment, omission, fabrication, deception, evasion, racial conspiracy, racial discrimination, suborned perjury, exculpatory evidence, Tampered Transcripts and abuse of contempt powers, that is clear and indisputable, petitions this court for an Extraordinary Writ to review the Order of the Hawaii Supreme Court entered on October 27, 2004 and on November 18, 2004 by J. Acoba. And the orders of the Hawaii Intermediate court of Appeals of December 15, 2004 and on December 17, 2004 by C. J. Burns.

OPINION BELOW

The order of October 27, 2004 by J. Acoba of the Hawaii Supreme Court denying my motion to annul Judgment and is included in Appendix "A". The order of November 18, 2004 by J. Acoba of the Hawaii Supreme Court denying my motion for reconsideration of motion to annul and included in Appendix "B". The Order of December 15, 2004 by C. J. Burns of the Hawaii Intermediate Court of Appeals denying of my motions and supplemental motions and included in Appendix "C". The order of December 17, 2004 by C. J. Burns of the Hawaii Intermediate Court of Appeals denying my motion for reconsideration and included in Appendix D. Appendix A-D are the continuation of battle of the following: The opinion of the Intermediate Court of Appeals was entered on November 26, 2001 and is reported at 97 Haw. 413, 38 P. 3d 581 (2001). The Hawaii Supreme Court denied discretionary review on January 28, 2002 and is reported at 97 Haw. 542, 40 P. 3d 944 (2002). The Judgment and conviction of the Circuit Court of the Third Circuit, State of

Hawaii, unreported. The order of the Supreme Court of the United States denying Writ of Certiorari case no. 01 – 9490 was entered on June 10, 2002 and is included herein as Appendix "F". The Supreme Court of the United States denied petition for rehearing of case No. 01 – 9490 on July 22, 2002 and is included herein as Appendix "G". The Supreme Court of the United States returned my Extraordinary Writ that was received on February 20, 2003 on February 24, 2003 stating that case was closed and is included herein as Appendix "H".

JURISDICTION

The Hawaii Supreme Court entered an order denying to Annul Judgment on October 27, 2004. The Hawaii Supreme Court entered an order denying reconsideration of its October 27, 2004 order on November 18, 2004. The Hawaii Intermediate Court of Appeals entered an order denying Motions and supplemental Motions to annul Judgment on December 15, 2004. The Hawaii Intermediate Court of Appeals entered an order denying my December 16, 2004 motion for reconsideration on December 17, 2004. This Court's Jurisdiction has been invoked pursuant to 28 U. S. C. Section 1651, because exceptional circumstance warrants the exercise of this Court's discretionary power, and relief cannot be obtained in any other form or from any other court. This Writ will aid this Court's appellate Jurisdiction by protecting and helping the public in the present and future from such racial discrimination and racial conspiracy and racially motivated fraud that has been perpetrated against my family and I because of our race. And please note in which the order of denials went. They started with the Hawaii Supreme Court and then went to The Hawaii Intermediate

Court of Appeals instead of starting with the lower court first.

CONSTITUTION INVOLVED

The First Amendment made applicable to the states guaranteeing the freedoms of speech, religion, press, assembly, and petition.

The Second Amendment made applicable to the states "guaranteeing the right to keep and bear arms as necessary for securing freedom....."

The Fourth Amendment made applicable to the states "prohibiting unreasonable searches and seizure and the issuance of warrants without probable cause."

The Fifth Amendment made applicable to the states that "a person cannot be deprived of life, liberty, or property without due process of law....."

The Sixth Amendment "guaranteeing in criminal cases the right to confront witnesses, the right to counsel, and the right to compulsory process for obtaining favorable witnesses."

The Eighth Amendment "prohibiting cruel and unusual punishment."

The Ninth Amendment "providing that rights listed in the Constitution must not be construed in a way that denies or disparages unlisted rights, which are retained by the people."

The Fourteenth Amendment "forbidding states

from denying due process and equal protection and from abridging the privileges and immunities of U. S. citizenship."

STATEMENT OF THE CASE

On October 27, 2004 I filed with the Hawaii Supreme Court a motion for a leave to pursue my rule 40 petition and motion to annul and void judgment on assault, Terroristic Threatning and contempt charge, due to tampered transcripts. The motion was filed at 10:35 AM and one minute later at 10:36 AM. Judge J. Acoba denied my motion without even looking at the evidence. On November 8, 2004 I filed with the Hawaii Supreme Court a motion for reconsideration of the denial of my motion to annul Judgment and it was denied on November 18, 2004. Prior to this denial of my motion for reconsideration I filed a motion on November 18, 2004 to correct error on Direct Appeal of Appellate Counsel on Contempt charge that was obtained through perjury and fraud; then covered up again by tampering with the transcripts as was done in underlying charges in Appeal No. 23451; This motion incriminates Circuit Court Judge Ronald Ibarra and Court reporter Susan Nakamoto and prosecutor Dale Ross all "Non Caucasians". On November 29, 2004 I filed a "Supplemental Motion To Add More Absolute Proof That The Transcripts In This Case Were Tampered With To Support Motion To Annul And Void Judgment On Assault, Terroristic Threatning and contempt charge, Due to Tampered Transcripts Which Is Fraud By Concealment; On December 7, 2004 I filed a motion of "Writ of Coram Nobis For Ineffective Assistance

of Counsel On Charges of Terroristic Threatning in the 1st Degree and 2nd Degree Assault". On December 10, 2004 I filed three supplemental motions: (1) Supplemental Evidence For; Writ of Coram Nobis For Ineffective Assistance of Counsel on Charges of Terroristic Threatning in the 1st Degree and 2nd Degree assault. (2) Supplemental Motion to Correct Error on Direct Appeal of Appellate Counsel on Contempt Charge that was Obtained Through Perjury and Fraud; Then Covered Up Again By Tampering With The Transcripts as was Done In Underlying Charges In Appeal No: 23451. (3) "2nd Supplemental Motion To Add More Absolute Proof That The Transcripts In This Case Were Tampered With To Support Motion To Annul And Void Judgment on Assault, Terroristic Threatning and Contempt Charge, Due to Tampered Transcripts Which is Fraud By Concealment".

REASONS FOR GRANTING THE WRIT

PART ONE

I do not have a lawyer to address any of this fraud which is a violation of my constitutional rights. The Hawaii Supreme Court are using my court appointed Lawyer Shawn Luiz as an evasive and deceptive measure to not annul the judgment due to Fraud. Attorney Shawn Luiz was appointed to file the Appeal on the contempt Charge only. Attorney Shawn Luiz is not authorized to do anything more than filing his opening brief for appeal on contempt charge in which he left out a lot of critical issues

that incriminates the Circuit Court Judge Ronald Ibarra, Court Reporter Susan Nakamoto, Hawaii Probation Officer Jan Saiki, Prosecutor Dale Ross, attorney Peter Brishianni, Attorney Paul Dolan and attorney Frank Miller. It is a defective brief. This case is so imbedded in malicious racial conspiracy and racial discrimination and attorney Shawn Luiz being white has been rendered ineffective and defective because he is afraid of retaliation against him and his family and loss of lively hood as an attorney in the racially corrupt State of Hawaii. I do not have a lawyer to represent me to address this major ring of fraud by concealment, omission, deception, evasion, fabrication, racial conspiracy and racial discrimination, suborned perjury, exculpatory evidence and Tampered transcripts. (see Appendix P exculpatory evidence)

PART TWO

The transcripts in this case have been tampered with in over a dozen places. After this court denied my Writ of Certiorari. I discovered New Evidence and proof regarding tampered transcripts. The Circuit court removed all evidence from the record regarding the racial serial harassment and threats that were taking place at our residence by a violent racist Hawaiian drug dealer gang. The Circuit Court reporter Susan Nakamoto destroyed 4 crucial court audio tapes once they knew I had discovered they had tampered with the transcripts and was asking for the court reporter tapes to be inspected by a forensic expert which would of proved the Transcript tampering and the incrimination of the court. The court refused to allow my forensic expert to inspect the remaining court reporter tapes. Rather they got

someone with no expertise in this field to listen to them with no special equipment in order to detect dubbing and splicing or editing. The circuit court tried to pull the wool over my eyes in an effort to try to elude, evade and deceive me by fraud by concealment, omission, deception, fabrication, evasion racial conspiracy and racial discrimination.

PART THREE

The lawyer I had at beginning of trial was ran off by the circuit Judge Ronald Ibarra, after he asked the circuit Judge to recuse himself. Circuit court Judge Ronald Ibarra Undermined the attorney client relationship and created a conflict between myself and Attorney Michael Ostendorp, in a diabolical plan to get rid of attorney Ostendorp. Then the circuit Judge Ronald Ibarra forced his friend and associate on me. Attorney Alfred Lerma who was also friends and associate with the gang of violent Hawaiian drug dealer gang and Lerma was Friends and associate with the police I was suing in federal court for not stopping and encouraging the racial serial harassment that was taking place at our residence by this gang who did not want us there. As time went on I noticed attorney Lerma was deceiving me so I started recording conversations with a camcorder. During certiorari to this court (see Appendix F) I had stated that Wentworth had testified that on direct examination that he was struck by a large rock that almost knocked him out, went into shock etc. on Direct examination. But Wentworth had impeached himself and was caught lying on cross examination. So during the 23 minute recess between cross and redirect the prosecutor Dale Ross conspired with Wentworth and they made up a new story. So Wentworth got back on the stand and said

he was now closer to the cliff with his back facing North this time and also testified that I was in a different location from what he had testified on Direct. Then Wentworth testified that I was directly above him and dropped the rock on him and that the alleged rock" just barely scratched him, Just a little bit, just a slight burning sensation". After the denial of the Writ of Certiorari from this court I realized that the Wentworth redirect testimony had been removed from the redirect transcript. As time went on and I kept trying to overturn the judgment the more I discovered that the transcripts had been tampered with. I started listening to the over six hour long recorded video conversations with my lawyers and found evidence of Wentworth redirect testimony that was removed from the transcript along with other testimony that proved my innocence and the racial serial harassment and threats.

PART FOUR

I had four witnesses in the circuit court room on April 26, 2000 that had witnessed Judge Ibarra and his friend and associate Alfred Lerma manipulate my Massachusetts attorney Thomas Arthur Hensley and made him twist what I had said at sentencing when the circuit Judge asked me if I had anything to say: I had replied that four witnesses present to testify on my behalf. Jim and Charlotte Simmons, Wainona Elairionoff and Jim Nemeth. All witnesses will testify that I am a good person and a good father. I also told the court that Jim Nemeth will testify that Jason Aki is the leader of the Milolii gang; and Jim Nemeth will also testify that since the Adams do not live at their residence anymore, Jason Aki and his gang from Milolii Fishing Village do not go to their residence in a private subdivision to

harass and threaten the Adam's anymore. To all four witnesses disbelief and my disbelief Judge Ibarra and his friend and associate attorney Alfred Lerma made my attorney Arthur Hensley twist what I had just said to say: Since Mr. Adam does not reside at his residence there is no more trouble in Milolii fishing village. (see Appendix Q) and compare to Appendix I. In November 2003 I got declarations from these witnesses. (see appendix I) On December 1, 2003 I approached the circuit court Judge Ronald Ibarra with these declarations and the video tape of conversation with attorney Lerma and Hensley that incriminated this Judge and his staff which proved the Wentworth redirect testimony along with other testimonies had been removed from transcripts. The Circuit Judge retaliated and re-sentenced me to five years in prison without the representation of a lawyer as a result of retaliation from the circuit court Judge. After a few months I told the parole board what had happened and I was released and the parole board told me that I was a travesty of justice and that they were ashamed that this kind of racial stuff was going on in their state and that they wanted me to have my day in federal court against the police who were involved in all this racial serial harassment and threats.

PART FIVE

After Federal trial against police in June 2004 involved in all this. I got the video of conversation with my lawyers and I had an expert transfer on to a cassette four portions that proves that transcripts were tampered with including the removal of the Wentworth direct testimony that he was just scratched, just a little bit, just a slight burning sensation by the alleged rock. (Listen to Appendix J

cassette of conversation with attorney Hensley and please note this cassette tape is part of the record in the Hawaii Appellate and Supreme Court.) (see and read appendix K transcript of this cassette tape) On line 4 of transcript it says: Adam: "Right and he testified it almost knocked him out and then he testified the thing just scratched him." Just prior to Hensley writing the opening brief we had this conversation about the redirect testimony of Wentworth, which makes Hensley a witness that Wentworth testified on redirect that the alleged rock just scratched him. And that circuit court reporter Susan Nakamoto removed this testimony from the redirect testimony and destroyed the audio tape.

PART SIX

Recently I discovered and filed a supplemental motion to annul Judgment when I discovered in the March 3, 2000 PM transcript (see Appendix L) on page 13 line 25 the prosecutor Dale Ross says in her closing argument: "Mr. Wentworth was very lucky. He got grazed by this rock. The prosecutor Dale Ross is referring to the redirect testimony in which she had conspired with Wentworth during a 23 minute recess, to fabricate a new story that the alleged rock had just scratched him because Wentworth had impeached himself on cross. They removed the redirect testimony but forgot to remove the part on page 13 line 25 of TR March 3, 00 PM or Appendix L that refers to the removed redirect testimony in which Wentworth testified the alleged rock just scratched him. All of the other prior testimonies of Wentworth were that the alleged rock almost knocked him out, he almost went into shock, big whack on his back. But after cross examination Wentworth's multiple testimonies did not make sense

anymore, it was impossible. So the Prosecutor Dale Ross conspired with Wentworth during a 23 minute recess between cross and redirect. After I filed a notice of appeal they removed this redirect testimony in order to conceal from the higher courts what they had done.

PART SEVEN

Shortly after I discovered the evidence In PART SIX regarding the March 3, 2004 TR PM page 13, line 25 about the Prosecutor Dale Ross referring to the removed redirect testimony of Wentworth being scratched by the alleged rock. I discovered some more new evidence that puts the climax on the missing redirect testimony about Wentworth testifying that he was just scratched by the alleged rock. I found the court minutes of February 29, 2000 AM court session in which this redirect of Wentworth took place. (see Appendix M) After cross examination of John Wentworth at 10:55 AM there was a recess called and jury was excused. The recess lasted 23 minutes and court reconvened at 11:18. During this recess is when the prosecutor Dale Ross conspired with the state's witness John Wentworth who is a Hawaiian career criminal for violence and fraud and fabricated a new story for about the tenth time. Wentworth's story kept evolving until it finally went far afield on redirect testimony that they have removed it from the transcripts. Now for the climax. If you compare Appendix M recess of 10:55 AM to 11:18 to Appendix N which is a copy of Feb. 29, 2000 Am page 94 line 22 and you will notice that there is no mention of this recess in the transcript. And this is exactly where Susan Nakamoto removed the redirect testimony of John Wentworth's testimony. This is the one and only transcript that does not say when there was a recess. Please note I say in

cassette Appendix J and on line 9-16 of Appendix K Susan Nakamoto the court reporter was hugging John Wentworth in the Court hallway during trial.

PART EIGHT

Please listen to Cassette Appendix J and read Appendix K line 2-3. During cross attorney Hensley had asked Wentworth about all the different stories he had told police regarding all the different positions he had told each different police officer of the position he alleged to be in when struck by the alleged rock. And that has been removed from Feb. 29, 2004 AM Cross transcript by court reporter Susan Nakamoto. Attorney Hensley says on line 6-8 that he heard Edward Santiago say on Feb. 24, 2000 AM in circuit court say the sawed off shot gun he got arrested with belonged to John Wentworth. Hensley and I heard it and went to talk to the court reporter Susan Nakamoto about it. She denied hearing it and said it was not on her court reporter tape and said that Hensley and I had Wentworth on the brain. Later I saw Susan Nakamoto hugging John Wentworth in the court hallway during the coarse of the trial. Also the circuit Judge has refused to allow my forensic expert from inspecting this court audio tape. On line 18-31 I had testified that Wentworth and this gang had fired at our house and it caused my ex-wife to fear for her life and the life of our two children and fled to the Mainland (see Exhibit O) And when I called the police an officer named Peter Alu came down and laughed at me and said I do not see any bullets in you or your house and then laughed at me and asked me how I got along with his cousins from Milolii Village and left laughing. Court reporter Susan Nakamoto has removed this testimony also from the March 1, 2000

PM transcript of my testimony along with more of my testimony regarding this racial serial harassment and threats that was going on at our home in a posted private subdivision. Officer Peter Alu, Officer Stanley Haanio and Ex-Police Chief Wayne Carvalho were actually encouraging this gang of violent Hawaiian drug dealers to do this Serial harassment and threats to us. Court reporter Susan Nakamoto removed many more portions from the transcripts that related to this racial serial harassment and threats that was going on at our home in a private posted subdivision.

PART NINE

In July of 2004 while I was having an expert transfer conversations on to Appendix J, I stumbled on to an astonishing discovery. On page 15 of Hawaii Intermediate Court of Appeals Opinion page 15 regarding my direct Appeal (Appendix T) it says: "we were unable to locate it." My attorney Arthur Hensley had made reference to the state trying to show that there was no prior serial harassment. And the Hawaii Intermediate Court of appeals in their opinion replied "we were unable to locate it". Well that is because the State of Hawaii through Court reporter Susan Nakamoto removed it all from the transcripts and that is why; "we were unable to locate it"!!

PART TEN

My arrest and conviction are grounded in fraud by concealment, omission, deception, fabrication, evasion, racial conspiracy and racial discrimination, suborned perjury, exculpatory evidence and tampered transcripts. Therefore this Court should grant this

Writ and vacate the Judgment because I was arrested without a grand jury indictment or probable cause, it was arrested due to racial police retaliation two weeks after alleged incident of July 1, 1998 which is 3 weeks after I filed a federal lawsuit against police who were encouraging this gang to racially harass and threaten us at our home in a Private posted subdivision. Six months after the alleged incident of July 1, 1998 I was arraigned at a probable cause hearing before a Bias and Prejudiced Tribunal, in which the State of Hawaii police and Prosecutors officer were hiding exculpatory evidence. (see Appendix P) Wentworth had told Dr. Rogers, Nurse Kerns and Edith Maeda that he had gotten injured because he slipped and fell and the State of Hawaii made sure none of these witnesses were present during my trial. The State of Hawaii made sure that none of the witnesses that had witnessed the racial serial harassment that had taken place at our home in a private subdivision were not present to testify in my favor in order to prevent me from getting Res Judicata. (see Appendix S). I had just been acquitted of fraudulent charges due to racist police retaliation just prior to these fraudulent charges involving this same gang; because this gang was harassing and threatning us and that I proved the harassment and did the lesser of the evils to protect my family and property from this violent Hawaiian drug dealer gang. During trial the circuit judge told the jury not to believe my testimony and this court audio tape has been destroyed and this audio tape that also contained the redirect testimony of John Wentworth that he was just scratched, just a little bit, just a slight burning sensation by the alleged rock. This testimony was removed from Transcripts. Not only was my witnesses prevented from testifying. I was prevented from testifying so

the link that would make the Res Judicata defense was not made. The Circuit Court Judge was asked to recuse himself on numerous occasions and refused because he was friends and associate with the police I was suing in Federal court and used this fraudulent conviction in order to try to scare me into dropping federal lawsuit against his police friends. It is a big racial conspiracy.

PART ELEVEN

And the major reason this court should grant this Writ is because the Judgment is Null and Void because this arrest and conviction was obtained through racial police retaliation, suborned perjury, exculpatory evidence and tampered transcripts constituting fraud by concealment, Omission, deception, fabrication, evasion racial conspiracy and racial discrimination.

There is absolute clear and convincing evidence that I did not commit assault of any type or form. I was attacked on my own property with our infant Daughter in my arms. And after my assailant did not succeed in killing me he made up a defense that I started it. But the evidence I have before the Hawaii Intermediate and Supreme Court proves that I have been telling the truth and still am telling the truth, that I did not commit assault and did not start or provoke anything. Since the assault charge is null and void due to fraud; then the terroristic Threatning charge and contempt charge become null and void because everything is based on the false foundation of the assault charge. So how can the Hawaii Intermediate and Supreme court of Hawaii continue with the contempt Appeal? It is all on a false foundation or premise that has just collapsed; and the Hawaii Intermediate and Supreme Court are

violating my eighth Amendment right "to cruel and unusual punishment by ignoring this absolute clear and convincing evidence of my innocence and fraud of tampered transcript that I have put before them. Respondents are using the excuse that I have to go through counsel of record. I do not have counsel to represent me for relief of this fraud by concealment, omission, fabrication, deception, evasion and racial conspiracy and racial discrimination nor do they want to give me anyone to represent me regarding the fraud and conspiracy which is a violation of my due process rights of the 1st , 2nd , 4th , 5th , 6th, 8th , 9th , 14th Amendment rights of the Constitution of the United States.

PART TWELVE

Respondents are refusing to look at my absolutely clear and convincing evidence. Respondents Hawaii Supreme and Intermediate Court of Appeals have the inherent power and duty to annul, void and vacate the Judgment of the Circuit court due to my absolute clear and convincing evidence of my innocence and Fraud of concealment, omission, fabrication, deception, evasion, racial conspiracy and racial discrimination against me. What will happen to me this time if I am left to confront The Circuit Court Judge Ronald Ibarra "who refuses to recuse Himself" ? With this absolute clear and convincing evidence. The last time I confronted him, he sentenced me to five years in prison for something I am totally innocent of. What will this circuit Judge do to me this time to escape the truth? Attorney Shawn Luiz is afraid of this ill tempered Judge "Ronald Ibarra" especially after this Judge retaliated against me when I confronted him with the truth sentenced me five years in prison. This is all

addressed in my motion to correct error on Direct Appeal of Appellate Counsel on contempt charge that was obtained through fraud, then covered up again by tampering with the transcripts as was done in under lying charges in Appeal No. 23451, followed up with a supplemental and 2nd supplemental. All of which attorney Shawn Luiz was afraid to mention in his defective brief. This whole matter involves a series of shams of lawyer representations. An extreme amount of complete usurpation of judicial power saturated by fraud by concealment, omission, fabrication, deception, evasion, racial conspiracy and racial discrimination, suborned perjury, exculpatory evidence, and Tampered Transcripts. Which is all considered violations of the 1st, 2nd, 4th, 5th, 6th, 8th, 9th, and 14th Amendments of the Constitution of the United States and that is the reason why this court should grant this Writ. For the public good to insure that this does not happen again to someone else.

PART 13

I cannot get any relief whatsoever in any court in the State of Hawaii. Because this matter is grounded so deep in fraud and Racketeering and involves so many Hawaii State officials in high places that want this matter covered up at all cost and they will not stop short of killing witnesses if they have too. When I confronted Judge Ronald Ibarra with the evidence that incriminated him on December 1, 2003 he retaliated against me and sentenced me to 5 years in prison. During that hearing I had told Judge Ronald Ibarra that I knew that he had forced himself sexually on my wife and had smoked marijuana with her at the court house "my wife was Judge Ibarra's document filing clerk" I told Judge Ronald Ibarra

that I had a witness. Judge Ronald Ibarra responded by saying: Is this Jim Nemeth your only witness? And I responded yes meaning that Jim Nemeth is one of the witnesses. And then Judge Ronald Ibarra started threatening me and then he made the statement that my remarks were candorless. I have been after the Circuit Court and my lawyer for this December 1, 2003 transcript for over one year. I just got a copy of it on January 10, 2005. And this portion regarding Jim Nemeth and the marijuana has been removed from this Dec. 1, 2005 transcript on page 6 line 16. This poor honest United States citizen "Jim Nemeth" had written some declarations to this fact and to the racial serial harassment that targeted our house and family by this violent Hawaiian drug dealer gang "see appendix S." And Keep in mind that Mr. Jim Nemeth lives in the same subdivision where we use to live where this violent Hawaiian drug dealer gang were targeting us. Judge Ronald Ibarra retaliated against me and sentenced me to 5 years in prison. But the Hawaii parole board immediately released me for federal trial against Judge Ronald Ibarra's friends and associates involved in all this. Mr. Jim Nemeth was flown to Swabs emergency room just as the federal trial started. Mr. Nemeth is dying of cancer that I believe cancer producing carcinogens were injected into him by conspirators involved in all this, and he does not have much longer to live. Mr. Jim Nemeth was in a state of terror when my lawyer and I talked talk to him about the federal case. Mr. Jim Nemeth did not even remember who officer Stanley Haanio was. Look at Appendix S line 17 and 30 in which Mr. Nemeth identifies Officer Stanley Haanio. What did the malicious corrupt Judge Ronald Ibarra have done to this poor man which is witness against Judge Ronald Ibarra and his friends and associates.

Have you ever heard of such things as I am telling you. The point I am trying to make is: Given the magnitude of this situation there is no relief available to me. Judge Ronald Ibarra has refused to recuse himself. And the Hawaii Appellate and Supreme Court are ignoring my absolute clear and convincing evidence of my innocence and the fraud committed against me in order to keep this matter covered up. Therefore there is absolutely no relief available to me in any court in the state of Hawaii all due to my race. Only this Court can render a fair and impartial decision In this matter and I ask this Court to Vacate, annul and or acquit me of the fraudulent sentence.

CONCLUSION

I need this to grant this writ due to the foregoing extraordinary unfortunate circumstances. We are not the first white family to undergo such atrocities in the State of Hawaii and the granting of this writ would aid this Court's Appellate Jurisdiction and would also aid in preventing such racial atrocities from happening in the future. How would any of you feel, had it been your family go through such racial atrocities.

The foundation that these charges are based on has crumbled from the effects of fraud by concealment, omission, deception, fabrication, evasion, racial conspiracy and racial discrimination, suborned perjury, exculpatory evidence and Tampered Transcripts. The Hawaii Intermediate Court of Appeals and the Hawaii Supreme Court have all this evidence of my innocence and the tampering of the transcripts before them in all the motions I filed mentioned my statement of the case and they do not want to look at any of it. They are using the

excuse to evade, deceive and avoid me and my absolute clear and convincing evidence that I have to go through counsel of record. (see Appendix B section 7) I do not have counsel that I can make request for relief. If I did I would not be going through all this agony of doing this myself. All I have is an attorney that was court appointed to write specifically an opening brief for the contempt charges that were fabricated against me and executed through abuse of contempt powers. And attorney Luiz has written his brief which is defective because he is afraid of retaliation from Circuit court Judge Ronald Ibarra and regardless of how defective his brief is; his job is done because that is all he was appointed for. Therefore I have no avenue for relief and the Circuit Court made sure of that. And prior to Attorney Luiz I had attorney Frank Miller, attorney Paul Dolan and Peter Brishianni and they were all defective and being controlled by the circuit court Judge and I fired everyone of them. And what was really disappointing attorney Shawn Luiz did not mention any of it in his opening brief and had self knowledge of it, verbal and written knowledge from me. Attorney Shawn Luiz wrote a defective brief because of fear of racist retaliation. I mentioned in my motion for reconsideration (see Appendix E) that attorney Luiz wants me to give him money and that he does not want to do anymore court appointment because it doesn't pay much money and takes away from his time from his high paying clients. So therefore I do not have an attorney because I do not have any money. In section 8 of Appendix B they are referring to my motion for reconsideration, stating that I said that my attorney does not want to file a rule 40 petition. Please look at Appendix E and you will see that there is no mention of a rule 40 petition. And if you read Appendix E it is quite

clear that they do know I am innocent and that the transcripts have been tampered with but yet they are stalling and evading and deceiving me because they are trying so desperately trying to cover up the racial serial harassment and threats that were going on at our home in a private posted subdivision, because of our race. (see Appendix O, S, P) That is what this is all about. This is an extraordinary circumstance of a white man being discriminated against because of his race, by Hawaiian's. They are using this fraudulent conviction to falsely slander my name in order to cover up the truth. The racial serial harassment that was going on at our House. (see Appendix Q and compare to Appendix I). At this time I am looking for a job and this false conviction is hindering me from getting a good job. (see appendix R) How do I fill out this job application. If I tell them I have two felony convictions, but I am innocent and was fraudulently convicted and that they tampered with the transcripts. Do you think they are going to believe me? But if they would look at the record, then they would believe me and that is what this Court needs to do is look at this record of fraud by concealment, omission, fabrication, deception, evasion, racial conspiracy and racial discrimination, suborned perjury, exculpatory evidence and tampered transcripts. Am I going to get the job? So I can support my mother less child, who is motherless because we were not wanted because of our race and the Hawaiian police would not help us because of our race; rather some police encouraged it. This is an extraordinary circumstance and only a court outside of the State of Hawaii can give me relief. Because as you can see by appendix A-T Hawaii is using every fraudulent means to keep this matter covered up and it is just not fair. It is against my

constitutional rights; they went as far as to prevent me from testifying and what I did say regarding this serial racial harassment and threats, respondents removed it from the transcripts. I cannot list all the violations of my constitutional rights that have been committed against me and my family by the state of Hawaii, due to our race, in the 30 page limit. But just the motions filed in PART ONE make a stack of nearly 4 inches thick and I would gladly mail this court my filed copies for this courts review upon your request. I have proof of my innocence and should not be deprived another day of due process just because I have no more money nor should I be denied for another day of life and liberty of a United States Citizen. I have served a jail term of 13 months for something that I did not do. I served those 13 months because I did not want to back down and nothing more. I served those 13 months because I wanted to bring to justice the people who did this to me and my family due to our race. If I would of dropped the federal lawsuit I would of never had to serve one day in Jail and or prison. If I would of not pursued the circuit court for making a false record by tampering with the transcripts I would of never got re-sentenced to 5 years in prison for charges that I did not commit. This is a case that involves a novel question of law and a case of first impression and this court should see to it that justice takes place because thus far all I have seen is suborned perjury, exculpatory evidence and tampered transcripts. This has been going on for over six years now. I have been denied life and liberty for over six years for something that I am totally innocent of and I beg this court to pull the record or request my filed copies of my motions to see for yourselves that I am being denied justice by the state of Hawaii because of my race and the fact they want to cover

up this racial scandal. I did not have a criminal record not ever, but yet we were being targeted by a violent Hawaiian gang of drug dealers with enormous criminal records for violence, drug, deceit and racial hatred. (see Appendix S) and I was attacked on my own property with a deadly weapon with our 22 month old infant daughter in my arms and then I call 911 and I get hauled off in the police car and get charged two weeks later because I had filed a federal lawsuit against these racist police who were encouraging this gang, because we were white and not wanted. This violent Hawaiian drug dealer gang murdered my wife and then burnt our house down three and half month's later in front of three white witnesses. (see Appendix S) And this is why the Respondents do not want to look at my motions of absolute and clear and convincing evidence, they want this scandal covered up and I will not let them do so. And they are using attorney Shawn Luiz and his defective brief as a diversionary tactic to avoid acknowledging, Respondents fraud by concealment, omission, deception, fabrication, evasion, racial conspiracy and racial discrimination, suborned perjury, exculpatory evidence and Tampered transcripts. Respondents support the Hawaiian race and discriminate against "Whites" which me and my race. This matter is a extremely large racial conspiracy and requires an extraordinary remedy that only this court can have total impartiality in the decision that needs to be rendered. Given the foregoing this court must make the conclusion that exhaustion is hopeless; because Respondent's have excessive tampered with the transcripts and are not about to stop doing so. Respondents have known the absolute proof of my innocence because they framed me and then covered it up with fraud by concealment, omission, evasion, fabrication, deception,

racial conspiracy, racial discrimination, suborned perjury, exculpatory evidence and Tampered Transcripts and are avoiding their obligation and my constitutional rights. As a result of Respondent's racial fraud I have two black marks against my name, that respondents use very liberally to their advantage to discredit me and cover up the truth as to the racial serial harassment and threats from a violent Hawaiian drug dealer gang that did not want us living there because of our race and they were being encouraged by their police relatives. It was like segregation, only Hawaiians were allowed to reside in that area. But there were no signs that said "only Hawaiians with lengthy criminal records that deal drugs can live in this area." I wish they would of posted it as such instead of concealing it. Because I guarantee you that I would not of built a house their. And this is what respondent's are trying to keep covered up by not accepting my absolute, clear and convincing evidence of my innocence and the fraud that was perpetrated against me by respondents.

Due to extremely extraordinary circumstances of racism, fraud, racial conspiracy, racial discrimination and usurpation of judicial powers I ask this Court to annul and or vacate and or acquit me of these very fraudulent Judgment of assault in the 2nd degree, terroristic threatning in the 1st and criminal contempt that was fraudulently brought against me.

I swear that the foregoing is true under penalty of perjury.

Dated: Gorham, New Hampshire on January 17, 2004

Richard Adam

RICHARD ADAM

NO. 26259

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

Vs.

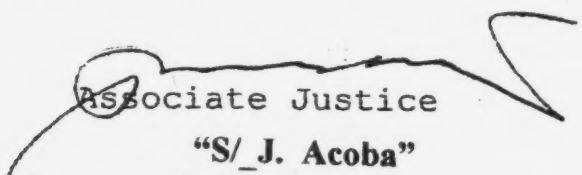
RICHARD LOUIS ADAM, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 99 – 019 K)

ORDER
(BY: Acoba, J.)

Upon consideration of Defendant-Appellant's pro se motion for leave to file a rule 40 petition, and the record herein, it appears that Appellant is represented by counsel and all requests for relief should be filed by counsel of record.
Therefore,

IT IS HEREBY ORDERED that the motion is denied.
DATED: Honolulu, Hawaii, October 27, 2004.



"S/_J. Acoba"
Associate Justice

Richard Adam, defendant-Appellant, pro se, on the motion.

APPENDIX "A"

NO. 26259

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee

vs.

RICHARD LOUIS ADAM, Defendant-Appellant

APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 99 – 019K)
ORDER
(By: Acoba J.)

Upon consideration of Defendant-Appellant Richard Adam's "motion for reconsideration of this court's order denying to hear my pro se motion to annul judgment due to tampered transcripts and / or leave to pursue my Rule 40 petition because of attorney of record," the papers in support, and the records and files herein, it appears that: (1) Appellant filed a notice of appeal in this matter without the assistance of counsel; (2) On February 20, 2004, Appellant moved for appointment of attorney Shawn Luiz as his attorney for this appeal; (3) this court remanded the case to the third circuit court to determine whether Appellant qualified for court – appointed counsel; (4) the circuit court found Appellant qualified for court – appointed attorney and appointed attorney Shawn Luiz to represent Appellant in this appeal; (5) this appeal is fully briefed and ready for assignment; (6) Appellant, proceeding pro se, filed a motion to annul the judgment and / or for leave to file a rule 40 petition during appeal; (7) the court denied the motion because Appellant is represented by counsel and all

requests for relief must be filed by counsel of record, See Martinez v. Court of Appeals of California, Fourth Appellate District, 528 U. S. 152 (2000) (there is no constitutional right for self–representation on appeal from a criminal conviction); (8) Appellant, proceeding pro se, moves for reconsideration alleging he has new evidence that must be presented in a Rule 40 petition and his attorney does not want to file a Rule 40 petition; and (9) review of court records shows that Appellant filed a HRPP Rule 40 petition for post conviction relief in the circuit court on February 3, 2003, and that petition remains pending. Therefore,

IT IS HEREBY ORDERED that the motion for reconsideration is denied.

DATED: Honolulu, Hawaii, November 18, 2004.

Richard Adam, defendant-Appellant, on the motion.

"S/ _____ "

APPENDIX "B"

NO. 26259

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff – Appellee, v.
RICHARD LOUIS ADAM, Defendant – Appellant

APPEAL FROM CIRCUIT COURT OF THE THIRD CIRCUIT

(CR. NO. 99 – 019K)

ORDER DENYING MOTION AND SUPPLEMENTAL MOTIONS

(By: Burns, C. J.)

Upon consideration of (1) the November 18, 2004 Motion and December 10, 2004 Supplemental Motion "to Correct Error on Direct Appeal of Appellate Counsel on Contempt Charge That Was Obtained Through Perjury and Fraud; Then Covered Up Again By Tampering With the Transcripts As Was Done in Underlying Charges in Appeal No. 23451"; (2) the November 29, 2004 Supplemental Motion and December 10, 2004 2nd Supplemental motion "to Add More Absolute Proof That the Transcripts In this Case Were Tampered With to Support My Motion to Annul and Void Judgment on Assault, Terroristic and Contempt Charge, Due to Tampered Transcripts, Which is Fraud By Concealment", the papers in support, and the records and files herein, it appears that this appeal has been fully briefed and assigned for final disposition. Therfore,

IT IS HEREBY ORDERED that the November 18, 2004 motion, the November 29, 2004 supplemental motion, and the December 10, 2004

supplemental motion and second supplemental motions are denied.

DATED: Honolulu, Hawaii, December 15, 2004.

"S/ James Burns"
Chief Judge

James A. Burns
Chief Judge

SEAL

APPENDIX "C"

NO. 26259

IN THE INTERMEDIATE COURT OF APPEALS
OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff – Appellee, v.
RICHARD LOUIS ADAM, Defendant - Appellant

APPEAL FROM THE CIRCUIT COURT OF THE THIRD CIRCUIT
(CR. NO. 99 – 019K)
ORDER DENYING MOTION FOR RECONSIDERATION OF NOVEMBER 18, 2004 ORDER (By: Burns, C. J.)

Upon consideration of the December 16, 2004 motion for reconsideration of the Hawaii Supreme Court's order filed on November 18, 2004 that denied Defendant – Appellant Richard Adam's "motion for reconsideration of this court's order denying to hear my pro se motion to annul judgment due to tampered transcripts and / or leave to pursue my Rule 40 petition because of attorney of record," the papers in support, and the records and the files herein, IT IS HEREBY ORDERED that the December 16, 2004 motion for reconsideration of the November 18, 2004 Hawaii Supreme Court order is denied.

DATED: Honolulu, Hawaii, December 17, 2004.

James A. Burns
Chief Judge

"S/ James Burns"
Chief Judge

APPENDIX "D"

IN THE HAWAII SUPREME COURT
STATE OF HAWAII

STATE OF HAWAII	) CASE NO: CR 99-019K
v.	) APPEAL NO: 26259
RICHARD ADAM	)

MOTION FOR RECONSIDERATION ON THIS COURT'S ORDER DENYING TO HEAR MY PROSE MOTION TO ANNULL JUDGMENT DUE TO TAMPERED TRANSCRIPTS AND OR LEAVE TO PURSUE MY RULE 40 PETITION BECAUSE OF ATTORNEY OF RECORD.

DECLARATION OF RICHARD ADAM

I Richard Adam declare the following:

1. In late June or early July 2004 I ask my attorney Shawn Luiz to pursue this matter so that I could be acquitted of these fraudulent charges as my court appointed lawyer.
2. Shawn Luiz said he was appointed only for the appeal on the contempt charge and that he had accepted this court appointment just to help me out.
3. Then Shawn Luiz went on to say that he did not want to do any more court appointed work, because he had not gotten paid yet for this appeal.
4. Shawn Luiz told me when are you going to get me some money I can cut your chains loose. I was deeply offended by this remark.
5. I should not be prejudiced by this court because I do not have money to feed a lawyer.
6. I do not have a lawyer representing me based on the foregoing and I do not have any money, and if attorney Shawn Luiz cannot help me because he is only allowed to do the contempt appeal or does not want to help me because I have no money; I therefore I want to proceed Pro Se and I want this

Court to entertain my motion so that I can exhaust State remedy and move on to Federal court if need be.

7. I have clear and convincing evidence of the transcripts being fraudulently tampered with which by law renders the judgment null and void.

8. According to my constitutional rights as an American citizen I should not be denied my right to enforce the law in the State of Hawaii my rights as an American citizen.

9. I am innocent and I have the evidence to prove it in my motion to annul and void the judgment on underlying fraudulent charges and I should not be put on hold because of my poverty and not able to the expense of an attorney.

10. If this court does not want to hear my motions for relief. I then want to appeal this matter to a federal court, because I feel that I cannot enforce in the State of Hawaii any law or right of an American citizen due to my race.

I Richard Adam swear that the foregoing is true under penalty of the law.

Dated: Gorham, New Hampshire on November 3, 2004

Richard A

RICHARD ADAM

Richard Adam

APPENDIX "E"

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D. C. 20543

June 10, 2002

Mr. Richard Adam
150 Spruceville Road
Milan, NH 03588

Re: Richard Louis Adam
v. Hawaii
No. 01 – 9490

Dear Mr. Adam:

The Court today entered the following order in the above entitled case:

The petition for a writ of Certiorari is denied.

Sincerely,

"S/ William Sutter"
William K. Sutter, Clerk

William K. Sutter

APPENDIX "F"

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON. DC 20543 – 0001

William K. Sutter
Clerk of the court

July 22, 2002

Richard Adam
150 Spruceville Rd.
Milan, NH 03588

RE: Richard L. Adam v. Hawaii
No. 01 – 9490

Dear Mr. Adam:

The petition for rehearing in the above – entitled case was postmarked June 25, 2002 and received July 3, 2002 and is herewith returned for to comply with rule 44 of this court. The petition must briefly and distinctly state its grounds and must be accompanied by a certificate stating that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

You must also certify that the petition for rehearing is presented in good faith and not for delay.

Sincerely,
William K. Suter, Clerk
By: "S/ Loretta S. Ruffin
Loretta S. Ruffin
(202) 479 – 3039

Enclosures
CC: Dale Ross

APPENDIX "G"

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543 - 0001

February 24, 2003

William K. Sutter
Clerk of Court

Area code 202
479 – 3011

Richard Adam
153 Old White Field Rd.
Whitefield, NH 03598

RE: Richard L. Adam v. Hawaii

Dear Mr. Adam:

The above – entitled petition for an extraordinary writ seeking unspecified relief was received on February 20, 2003. The papers are returned for the following reason (s):

The petition appears to pertain to the decision of the Intermediate Court of Appeals of Hawaii, No. 23451, reviewed by this Court by way of a petition for a writ of Certiorari, No. 01 – 9490. This case is closed, and no further consideration by this Court is possible.

Sincerely,
William K. Sutter, Clerk
By:

Jennifer Sutton
(202) 479 - 3039

APPENDIX "H"

Declaration of Wainona Elairionoff

I, Wainona Elairionoff, state under penalty of perjury that the following is true:

1. My Mailing address: 82 – 5976 upper Government main Road, Captain Cook, Hi. 96704.

2. I went to Richard Adam's sentencing on April 26, 2000 to testify about his good character, but I was not allowed to speak.

3. While I was in the courtroom I heard Judge Ibarra ask Richard Adam what he was going to do with his Milolii property.

4. I also heard Judge Ibarra tell Mr. Adam that he was not to come to Hawaii for five years.

5. I heard Judge Ibarra ask Mr. Adam if he had anything to say.

6. I heard Mr. Adam's say, "I have witnesses present in the courtroom; Jim and Charlotte Simmons, Jim Nemeth and Wainona Elairionoff. All four witnesses, your honor, will testify that I am a good person and a good father. Also your honor Jim Nemeth will testify that Jason Aki is the leader of the Milolii gang; and Jim Nemeth will also testify that since the Adam's do not reside in their residents anymore, Jason Aki and his gang from Milolii fishing village do not go to their residence in a private subdivision to harass and threaten the Adam's anymore.

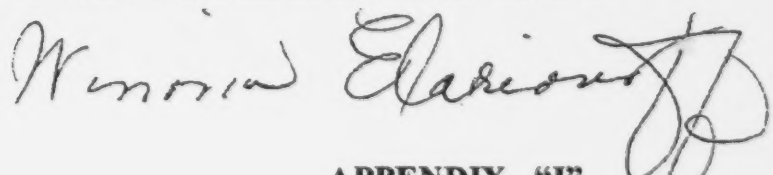
7. To my disbelief I heard Mr. Adam's lawyers and Judge Ibarra twist what Mr. Adam had just said to: Since Mr. Adam does not reside at his residence there is no more trouble in Milolii fishing village.

8. The part of Jason Aki being the leader was not mentioned by Mr. Adam's lawyers or Judge Ibarra.

9. Mr. Adam tried to speak and Judge Ibarra would not let him.

I swear that the foregoing is true under penalty of law.

"S/ Wainona Elairionoff" Oct. 12, 2003



APPENDIX "I"

Declaration of Charlotte Simmons

I, Charlotte Simmons, state under penalty of perjury that the following is true:

1. I reside at 82 – 5873 B. Old Government Road.

2. I went to Richard Adam's sentencing on April 26, 2000 to testify about his good character, but I was not allowed to speak.

3. While I was in the courtroom I heard Judge Ibarra ask Richard Adam what he was going to do with his Milolii property.

4. I also heard Judge Ibarra tell Mr. Adam that he was not to come to Hawaii for five years.

5. I heard Judge Ibarra ask Mr. Adam if he had anything to say.

6. I heard Mr. Adam's say, "I have witnesses present in the courtroom; Jim and Charlotte Simmons, Jim Nemeth and Wainona Elairionoff. All four witnesses, your honor, will testify that I am a good person and a good father. Also your honor Jim Nemeth will testify that Jason Aki is the leader of the Milolii gang; and Jim Nemeth will also testify that since the Adam's do not reside in their residents anymore, Jason Aki and his gang from Milolii fishing village do not go to their residence in a private subdivision to harass and threaten the Adam's anymore.

7. To my disbelief I heard Mr. Adam's lawyers and Judge Ibarra twist what Mr. Adam had just said to: Since Mr. Adam does not reside at his residence there is no more trouble in Milolii fishing village.

8. The part of Jason Aki being the leader was not mentioned by Mr. Adam's lawyers or Judge Ibarra.

9. Mr. Adam tried to speak and Judge Ibarra would not let him.

I swear that the foregoing is true under penalty of law.

"S/ Charlotte Simmons" 10 – 13 - 03

Charlotte Simmons

APPENDIX "I"

Declaration of Jim Simmons

I, Jim Simmons, state under penalty of perjury that the following is true:

1. I reside at 82 – 5873 B. Old Government Road.

2. I went to Richard Adam's sentencing on April 26, 2000 to testify about his good character, but I was not allowed to speak.

3. While I was in the courtroom I heard Judge Ibarra ask Richard Adam what he was going to do with his Milolii property.

4. I also heard Judge Ibarra tell Mr. Adam that he was not to come to Hawaii for five years.

5. I heard Judge Ibarra ask Mr. Adam if he had anything to say.

6. I heard Mr. Adam's say, "I have witnesses present in the courtroom; Jim and Charlotte Simmons, Jim Nemeth and Wainona Elairionoff. All four witnesses, your honor, will testify that I am a good person and a good father. Also your honor Jim Nemeth will testify that Jason Aki is the leader of the Milolii gang; and Jim Nemeth will also testify that since the Adam's do not reside in their residents anymore, Jason Aki and his gang from Milolii fishing village do not go to their residence in a private subdivision to harass and threaten the Adam's anymore.

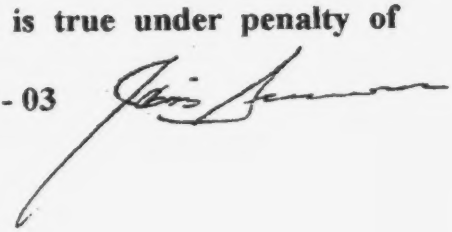
7. To my disbelief I heard Mr. Adam's lawyers and Judge Ibarra twist what Mr. Adam had just said to: Since Mr. Adam does not reside at his residence there is no more trouble in Milolii fishing village.

8. The part of Jason Aki being the leader was not mentioned by Mr. Adam's lawyers or Judge Ibarra.

9. Mr. Adam tried to speak and Judge Ibarra would not let him.

I swear that the foregoing is true under penalty of law.

"S/ Jim Simmons" 10 – 13 - 03



APPENDIX "I"

Declaration of Jim Nemeth

I, Jim Nemeth, state under penalty of perjury that the following is true:

1. I reside at 82 – 5873 B. Old Government Road.

2. I went to Richard Adam's sentencing on April 26, 2000 to testify about his good character, and regarding some of the matters that took place at the Adam's home.

3. While I was in the courtroom I heard Judge Ibarra ask Richard Adam what he was going to do with his Milolii property.

4. I also heard Judge Ibarra tell Mr. Adam that he was not to come to Hawaii for five years.

5. I heard Judge Ibarra ask Mr. Adam if he had anything to say.

6. I heard Mr. Adam's say, "I have witnesses present in the courtroom; Jim and Charlotte Simmons, Jim Nemeth and Wainona Elairionoff. All four witnesses, your honor, will testify that I am a good person and a good father. Also your honor Jim Nemeth will testify that Jason Aki is the leader of the Milolii gang; and Jim Nemeth will also testify that since the Adam's do not reside in their residents anymore, Jason Aki and his gang from Milolii fishing village do not go to their residence in a private subdivision to harass and threaten the Adam's anymore.

7. To my disbelief I heard Mr. Adam's lawyers and Judge Ibarra twist what Mr. Adam had just said to: Since Mr. Adam does not reside at his residence there is no more trouble in Milolii fishing village.

8. The part of Jason Aki being the leader was not mentioned by Mr. Adam's lawyers or Judge Ibarra.

9. Mr. Adam tried to speak and Judge Ibarra would not let him.

I swear that the foregoing is true under penalty of law.

"S/ Jim Nemeth" 10 – 12 - 03 Jim Nemeth

APPENDIX "I"

This appendix is in reference to a cassette tape that I have sent along with this writ and it is necessary that this court listens to it to aid you in understanding my petition. This cassette tape contains portions of the original video taped conversation with my lawyers. The main video tape and this cassette tape are part of the record in the Hawaii State Courts. This cassette tape marked exhibit J is absolute clear and convincing proof that the Hawaii Circuit court tampered with the transcripts to purposely make a false record in order to cover up the racial serial harassment and threats that was going on our residents in a private posted subdivision by a gang of violent Hawaiian drug dealers.

Please note that Appendix K is a transcript of the content of this cassette tape.

And I Richard Adam swear under penalty of perjury that the contents of the cassette tape marked appendix J is the exact word for word copy of the original video that is part of the record in this case, that Judge Ibarra retaliated against me for because it incriminates him. Richard Adam

APPENDIX "J"

RICHARD ADAM
82 – 5873 OLD GOV'T ROAD
Captain Cook, Hawaii 96704
Tel. 1 (808) 328 - 2198

TRANSCRIPT OF EXHIBIT J CASSETTE TAPE

Redirect testimony of Wentworth's testimony removed from transcript and court audio tape destroyed.

1. Attorney Thomas Arthur Hensley: Just about everything that Wentworth said, including a medical record, I have case law on this.
2. Richard Adam: But, but; how about the different stories, on how he got hit by that impossible rock?
3. Hensley: And that just about, he was standing facing the cliff, he was standing facing the ocean, he was facing the boat, or he was bent over.
4. Adam: Right and he testified it almost knocked him out and then he testified the thing just scratched him.
5. Hensley: That's in there, its all in there.

Feb. 24, 2000 sentencing of Edward Santiago. Santiago had said loud and clear that the sawed off shot gun he got arrested with belonged to John Wentworth. Wentworth was removed from court audio tape and transcript and Hensley and myself were in the courtroom and heard Santiago say John Wentworth..

6. Hensley: Because I was focused on it.
7. Richard Adam: Right.
8. Hensley: And there is no reason, it just happened, I know the guy said Wentworth, it can't be.....
9. Adam:..... When we got out of court, they are all the fucken court reporters, they are all fucken hugging him, Nakamoto and all that, I mean, jee, wis, man.
10. Hensley: Hugging Who?
11. Adam: Hugging fucken Wentworth.
12. Hensley: What court reporter? Susan Nakamoto?
13. Adam: Yeah and other people that work there.
14. Hensley: Yeah
15. Adam: There loving this fucken guy .....You know.
16. Hensley: Well, nobody's going to be hugging him at the Supreme Court.
17. Adam: Ahhh boy.....Ok an other thing, Al wants me to do is, he wants me to get.

This section involves my P. M. testimony about this gang shooting at our house and that has been removed from transcript and court audio tape destroyed.

18. Hensley: How about the Kuahuia guy, that fired a gun in the neighborhood, was it a shot gun?
19. Adam: You mean shooting at my house?
20. Hensley: I do not know if they shot directly at your house?
21. Adam: Well, well it was towards my house, yeah, yeah.
22. Hensley: That's not in there, I could not see it, I did not see it in the transcripts.
23. Adam: Well I testified to that.

24. Hensley: I understand, I went right over it, thats enough in there, what in the.....
25. Adam: That's what bugs me, the people as far as tampering with transcripts?
26. Hensley: No
27. Adam: I just don't trust those people.
28. Hensley: Rich, they can't do that.
29. Adam: Why not?
30. Hensley: Because there is a tape back up.
31. Adam: Yeah, but that day, Wentworth did not come out on the tape.

I swear under penalty of perjury that the foregoing transcription is a true and exact transcription of cassette tape marked exhibit "J"

DATED: Captain Cook, Hawaii on August 1, 2004

Richard Adam

RICHARD ADAM

APPENDIX "K"

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

TRANSCRIPT OF PROCEEDINGS

Before the Honorable Ronald Ibarra, Judge, Kona Division Presiding, on March 3, 2000.

JURY TRIAL - P. M. SESSION

Reported: Julie Sorenson, CSR 148
Official Court Reporter
State of Hawaii

Page 13

Line 25: "Mr. Wentworth was very lucky. He got grazed by this rock."

Please note that this statement was made by prosecutor Dale Ross During her closing argument and that she is referring to the redirect testimony that has been removed. And when Court Reporter Susan Nakamoto removed the redirect testimony regarding Wentworth testifying " that the alleged 11 ¼ lb. Rock just scratched him, just a little bit, just a slight burning sensation". Susan Nakamoto was not aware that this transcript referred to the redirect transcript that she removed testimony from; because it was transcribed by Julie Sorensen.

PERMISSION TO COPY DENIED, HRS 606-13, ETC.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,) CR. NO. 99-019K
)
vs.)
)
RICHARD LOUIS ADAM,) COPY
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS

Before the Honorable Ronald Ibarra, Judge, Kona Division, presiding, on March 3, 2000.

JURY TRIAL - P.M. SESSION

APPEARANCES:

For the State of Hawaii: DALE Y. ROSS, ESQ.
Deputy Prosecuting Attorney
County of Hawaii
Post Office Box 748
Kealakekua, Hawaii

For the Defendant: THOMAS ARTHUR HENSLEY, ESQ.
Suite 3 - 30 Taunton Green
Taunton, Massachusetts
-- and --
ALFRED P. LERMA, JR., ESQ.
Post Office Box 880
Kealakekua, Hawaii

REPORTED BY: JULIE SORENSON, CSR 148
Official Court Reporter
State of Hawaii

APPENDIX "L"

PERMISSION TO COPY DENIED, HRS 606-13, ETC.

I N D E X

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APPENDIX "L"

PERMISSION TO COPY DENIED, HRS 606-13, ETC.

by Mr. Wentworth about the main events in this case throughout, from the beginning of the case, not just inconsistencies in details.

I ask you to recall John Wentworth's demeanor on the stand. Mr. Wentworth is not a well-educated man. He admits he didn't go to school. Were his mistakes in testimony deliberate falsehoods, or were they a man who's struggling to try to understand the question and answer the question? And sometimes he didn't quite understand the question, and we found that out later in the questioning, that he didn't get it.

And a good example was this morning when he testified about the dogs. Did they go down to the shoreline or didn't they go down to the shoreline? The first time he was asked, he obviously misunderstood the question. He talked about the dogs going down. But later he went, "Oh, I misstate. The dogs never went beyond the pali," and he corrected that. Now, I ask you to rely on your own recollection of his demeanor.

John Wentworth was a very fortunate man to not get hit directly by the rock, because in Mr. Hensley's closing arguments, he does concede that had this rock hit him square, we'd be talking about a different case. There would be blood, there would be tissue. But in this case, Mr. Wentworth was very lucky. He got grazed by this rock.

APPENDIX "L"

CRIMINAL TRIAL CALENDAR
THIRD CIRCUIT
KONA DIVISION

9:27 A.M.

DATE: TUESDAY, FEBRUARY 29, 2000
JUDGE: HONORABLE RONALD IBARRA,
CLERK:
REPORTER:
BAILIFF/LAW CLERK:

1. PC 99-0-0019K ADAM, RICHARD LOUIS

1	FC	HRS 707-0711	ASSAULT 2
2	FC	HRS 707-0716	TERROR THREAT 1
3	MD	HRS 707-0714	RECK ENDNGR 2
4	MD	HRS 712-1248-A	PROM DETRI DR 2

JURY TRIAL 00001 PV A. LERMA, JR

REPORTERS - S. NAKAMOTO/J. SORENSON
CLERK - L. NG
DEPUTY PROSECUTOR - D. ROSS
DEFENDANT W/COUNSEL - T. HENSLEY/A. LERMA

TESTIMONY UNDER OATH OF JOHN WENTWORTH:
9:27 - 11:29 CX BY HENSLEY
11:19 - 11:51 RDX BY ROSS
11:51 - 11:52 RCX BY HENSLEY; EXCUSED

TESTIMONY UNDER OATH OF DENISE SANTOS:
1:07 - 1:30 DX BY ROSS
1:30 - 1:39 CX BY HENSLEY; EXCUSED

TESTIMONY UNDER OATH OF JASON EMAKANANOKAHAKU AKI:
1:51 - 2:37 DX BY ROSS
2:37 - 3:23 CX BY HENSLEY
3:23 - 3:30 RDX BY ROSS; EXCUSED

TESTIMONY UNDER OATH OF DET. NANCY HAITSUKA:
3:30 - 3:50 DX BY ROSS
3:50 - 3:56 CX BY HENSLEY; EXCUSED

TESTIMONY UNDER OATH OF DET. WAYNE YOUNG:
3:57 - 4:10 DX BY ROSS; TO CONTINUE

EXHIBITS MARKED/RECEIVED - SEE EXHIBIT LIST.
SEE ATTACHED FOR DETAILED MINUTES.

BY ORDER OF THE COURT: Lani Ng

DATE: 03-13-2000

APPENDIX "M"

FEBRUARY 29, 2000 - PAGE 1

Reporter: S. Nakamoto

Reporter: S. Na

9:27 am	Reconvened - all parties present - jury present
	Witness **JOHN WENTWORTH** recalled, on CX by He
9:35 am	D's Exhs O-1, O-2, O-3, P-1, P-2, P-3, P-4 offered for ID
9:39 am	No obj, **D's Exhs O-1, O-2, O-3, P-1, P-2, P-3, P-4 REC EVIDENCE**; exhibits published to jury
10:55 am	Same reminder, jury excused
11:18 am	Reconvened - all parties present - jury present
11:29 am	**RDX by Ross of Wentworth**
11:41 am	State's Exh 12 offered for ID
11:42 am	No obj, **State's Exh 12 RECEIVED INTO EVIDENCE**
11:50 am	No obj, **State's Exh 16 RECEIVED INTO EVIDENCE**
11:51 am	**RCX by Hensley of Wentworth**
11:52 am	Witness Wentworth excused
11:53 am	Same reminder, jury excused
11:54 am	Court addressed legal matter - introduce conviction of 2nd of Wentworth for Theft
12:03 pm	COURT - assuming there is probative value, prejudicial probative value as this conviction is more than 10 years
12:04 pm	Recess

I swear under penalty of perjury that the above is a true and correct copy of the court minutes of my jury trial, on the morning session of Feb. 29, 2000 that proves there was a 23 minute recess between John Wentworth cross and redirect at 10: 55 AM to 11: 18 AM and during this recess prosecutor Dale Ross and this career violent Hawaiian gang member drug dealer fabricated another false version of their originally fabricated story. The story evolved from a big whack, sharp pain, went into shock from an 11 ¼ lb rock forcefully thrown from a 75 foot cliff while he was bent over on his knees by the water facing the ocean to on redirect Feb. 29 ,2000: "I felt just a slight discomfort, just a slight burning sensation, just a little bit"; and note he pointed out a different location and all this has been removed from transcripts. See app. N p 94, L 21 – 22

Richard Adam

APPENDIX "M"

PERMISSION TO COPY DENIED, HRS 606.13, etc.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	
vs.	Criminal No. 99-19K
RICHARD LOUIS ADAM,	
Defendant.	

TRANSCRIPT OF PROCEEDINGS

before the Honorable Ronald Ibarra, Judge, Kona Division, on Tuesday, February 29, 2000.

JURY TRIAL - A.M. SESSION (9:25 a.m. - 12:05 a.m.)

APPEARANCES:

DALE YAMADA ROSS, ESQUIRE — For the State of Hawaii
Deputy Prosecuting Attorney
P.O. Box 748
Kealakekua, Hawaii 96750

THOMAS ARTHUR HENSLEY, ESQUIRE — For the Defendant
Suite 3-30 Taunton Green
Taunton, MA 02780

ALFRED P. LERMA, JR., ESQUIRE — For the Defendant
Post Office Box 880
Kealakekua, Hawaii 96750

REPORTED BY
Susan Nakamoto, C.S.R. No. 237
OFFICIAL COURT REPORTER
STATE OF HAWAII

Susan Nakamoto, CSR 237
OFFICIAL COURT REPORTER
STATE OF HAWAII

APPENDIX "N"

PERMISSION TO COPY DENIED, HRS 606.13, etc.

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DEFENSE EXHIBITS	FOR IDENTIFICATION	IN EVIDENCE
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P1, P2, P3, & P4	11	14

DEFENDANT'S EXHIBITS

Susan Nakamoto, CSR 237
OFFICIAL COURT REPORTER
STATE OF HAWAII

APPENDIX "N"

THE COURT: Overruled.

BY MR. HENSLEY:

Q. Did you want to hurt him?

A. Yes.

Q. So instead of leaving, you yelled at him and swore and called him out; didn't you?

A. Yes.

Q. You threatened to kill him; didn't you?

MRS. ROSS: Objection; asked and answered.

THE COURT: Sustained; asked and answered.

BY MR. HENSLEY:

Q. Mr. Wentworth, you took rocks and you did damage to Mr. Adam's property; didn't you?

MRS. ROSS: Objection; asked and answered.

THE COURT: Sustained; asked and answered.

MR. HENSLEY: Fine, your Honor.

Q. (By Mr. Hensley) Mr. Wentworth, were you charged by the police with any crime for threatening or damaging that property?

A. No.

THE COURT: Your witness. Mrs. Ross.

The Recess is Removed

REDIRECT EXAMINATION

BY MRS. ROSS:

Q. Do you remember who you talked to at the hospital about the incident?

APPENDIX "N"

7 Corkum Rd.
Groveton, N.H. 03582
May 29, 1998

I Brenda Adam claim that my civil rights were violated on numerous occasions, (as well as those of my 2 children and my husband Rich) While I was a land – homeowner, taxpayer, and resident of the state of Hawaii during the years of 1990 – 1993. We purchased ocean front dream property on Kai Ave. in the Milolii Beach lot Subdivision in 1988. The minute we started purchasing lumber for our dream retirement home, the trouble began with the locals. The lumber started disappearing by the pick – up truck load into the Milolii Hawaiian Fishing Village as we would see it laying next to various homes daily. We called the South Kona police department and we were asked if we were locals or howlie. We experienced loss of enjoyment of life, because my husband had to camp out on our property to watch over our expensive red cedar lumber, while myself and our 2 children ages 4 and 11 had to stay by ourselves at our rented home in Hawaiian Ocean View Estates for months. If it wasn't nailed down it would disappear, and the South Kona Police dept. could not send anyone on numerous occasions. But if my dog happened to bark at a local Hawaiian, the South Kona Police Dept. would come to the subdivision with 5 police cars, blue lights on, with in the hour! We were told by many people that the police commissioner Albert Kahale was going to get my husband Rich. We didn't realize for a very long time that they were all related!!! Our daughter was almost run over by the locals that cruise the subdivision daily at high rates of speed day and night. We called the South Kona Police Department again and we were asked if we were loacals or Howlies. !! We asked them to please make rounds in

the subdivision and try to enforce the speed limit signs and it's like it's too far out of their way to help us. So, we made up signs of our own, (please slow down, children and pets), but they paid no mind to this. Our son was almost stabbed in school because he is white and not wanted. Our daughter started Kintergarden in Hawaii at Hookena School and came home crying everyday because of harassment on the school bus and at school because she is white. She was a small child that did not notice skin color, she wanted to play with the children whose minds were already poisoned by their parents, against white people. She had no friends because we were white. Public school such as Hookena are run by the government, and the government may not engage in discrimination. Yet, our children were excluded from some Public School outings because they are not Hawaiians. They had to attend school classes for the day while Hawaiian children enjoyed a school outing. We tried to install a fresh water line in our subdivision, it was recognized in the local newspaper as a great find. The Hawaiians, Shirley Casuga and others from Milolii Fishing village did everything to stop the progress on the water line. We applied for permits from the planning Department and finally Rick Warshauer came inspect the fresh water line we installed after many months of his department telling us to call the department of land and natural resources; the runaround. So, he shows up along with Shirley Casuga and many others from the village, they kept telling Rick Warshauer that the water line was going through a heiau (burial site). While Mr. Warshauer was at the site, Shirley Casugas nephew Keola Casuga killed a green sea turtle, the turtle is protected in the State of Hawaii, But Mr. Warshauer looked the other way and said it's none

of my Kuliani (none of my bussines). The Village people eventually tore the piping out and hauled it to their village for their use. The Village people came by canoe at night and cut our 21' boat loose from it's mouring in front of our property, they came another night and stole the gas (50) gallons out of the boat and filled the tank with sand. All things reported to the South Kona Police Department and nothing was done to help us. They continued to go through our private subdivision at high rates of speed but their visits increased to 40 – 50 drive bys day and night, but they added twist,.....they started shooting a gun from their vehicle into our home!!!!!!!!!!!!! That is when I left our home on Kai Ave. and fled with our two children. I could no longer afford to wait and hope that the South Kona Police Department would do their job to protect our lives, liberty, and property, better yet, enforce their one sided law to see that speed limits were enforced and that drive by shootings happened elsewhere and not on our street. We all endured pain and suffering, with myself paying the highest amount of personal pain, the loss of my husband, through divorce, after 16 years of marriage. He STAYED, the home, $ 280,000.00--- not a shack, would of been destroyed by Locals if left vacant. He is still there, who would buy?!?! Their ought to be a law passed so that Realtors have to tell a potential buyer, (white people) that their lives are in danger should they decide to reside on the property they purchase. The value of that property has diminished. We had a right to raise our family, work, and own property. The Equal Protection Clause States that according to the 14th Amendment: No State shall. . . . .deny to any person within its jurisdiction the equal protection of the laws. This clause insures that no law will be enacted that discriminates against a particular group

of people. It also ensures that laws will not be enforced in a discriminating manner.

I am claiming gross negligence, irresponsibility, bias, prejudice, discrimination, against South Kona Police Department and the State of Hawaii for failure to protect peoples lives, liberty, and property.

Sincerely;
"S/ Brenda Adam" 5/29/98

State of New Hampshire
County of Coos

Brenda Adam

This 29th day of May, 1998, Brenda Adam personally appeared before me and acknowledged the foregoing Instrument to her free act and deed.

"S/ Lillian P. Landry"
Notary Public
My commission expires September 20, 1999

Lillian P. Landry
Notary Public

BEVERLY JAMES
P.O. Box 148
Honaunau, Hawaii 96726
Phone & Fax (808) 328 - 2073
e – Mail: bevjames @ Kona . Net

October 11, 2000
Judge Ronald Ibarra
P. O. Box 1970
Kealakekua, Hawaii 96720

Re: Richard Adam

Dear Judge Ibarra

.....

I was hired by the department of Human Services in

1999, to conduct a global evaluation of Mr. Adam and his child in order to offer an opinion and recommendation as to the best interest of the child. My recommendation was that the child be immediately returned to her father's care. This was based upon Mr. Adam's history of being the child's primary caretaker, his exemplary parenting and the child's attachment to him, and also because of the child's loss of her mother, her home, placement in foster care, and her trauma surrounding the violent altercation that occurred in Milolii (which ultimately resulted in her father's conviction).

In addition, I participated in the Multidisciplinary team meeting in which the Team meeting in which the team recommended that the child be returned to Mr. Adam with the condition that he immediately leave the State of Hawaii and go live with his family in New Hampshire. The reason for this unusual recommendation was because there was grave concerns for the child's physical and emotional safety. There was good reason to believe that community violence toward Mr. Adam was very likely to erupt in Ocean View where Mr. Adam was living at the time. Arrangements were made for the child's return to her father and family members from New Hampshire, in an unnamed hotel in Kailua – Kona to avoid protestors and the media. Child Protective Services in New Hampshire monitored the child for a period of time and has since terminated because the child was deemed to be safe in her father's care.

Mr. Adam is currently living alone with his daughter, he is gainfully employed, he has worked unusual hours so that he could provide her primary parenting and has arranged for excellent child care when he is working and has no violations of the law for this past year.

APPENDIX "O"

It is my opinion that it would cause considerable emotional damage to Mariah Adam who has already had her development compromised by severe trauma, to not have contact with her father for a two month period of time, to fulfill his obligation for incarceration. This child has already been traumatized by loss of both parents; her mother's loss is likely to be permanent, and her father's loss while she was in foster care exhibiting severe symptoms of trauma and denied the comfort of soothing that only an attachment figure could have given. Another loss of her father would very likely restimulate her early trauma and interfere negatively in her development.

It is also my opinion that it is not safe for Mariah to move back to Hawaii with her father should he need to return here to fulfill his probation obligations. There is no reason to believe that the same violent atmosphere that was of concern of the Multidisciplinary Team in 1999, would not erupt – no matter where Mr. Adam lived in Hawaii. .....

I appreciate the opportunity to be able to express my opinion in the most complex and unfortunate situation.

Sincerely,

Beverly James

Sincerely,

"S/ Beverly James"

April 20, 2003 Wainona Elairionoff

Dear Honorable Judge Ibarra

I am writing in behalf of my friend Richard Adam. I have known the family for about 4 ½ years. My acquaintance with family came about when their child entered my day care.

At the time I interviewed the family. Mrs. Adam's said that her husband did a very good job raising their daughter. He was kind, loving and patient, while she chose to be the working mom.

There was never a time have I seen Mr. Adam's in any form of anger that lead to violence.

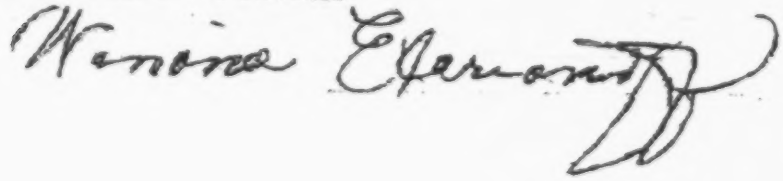
I have not seen but read the newspaper and a few conversations with Mr. Adam's, that he unfortunately encountered a lot of trouble with young men of Milolii Village. It is sad to say Hawaii is an Aloha State. The Adam's came and took residence but the Aloha Spirit was not extended to the family. It turned out to be a nightmare. To my understanding a fire arm was involved. That was an absolute no.

Mr. Adam went through a lot trying to maintain his family, their home, their privacy and than to have a bunch of young men leave the village go out into the subdivision and just outside the Adam's home start an argument. I call it harassment.

What drove this nice man to use a firearm as a defense. Isn't there a law. If one provokes or harasses a dog and the dog bites, the animal is not at fault. I humbly ask for concrete viewing of my letter and pray for the positive. Thank you for your time.

Respectfully,

"S/ Wainona Elairionoff"



APPENDIX "O"

Dec. 10, 1996

To Whom it May concern;

On the morning of December 4, at 7:00 AM we were awaken by two Hawaiians yelling obsenities from a red Toyota pickup.

The pickup stopped, Two Hawaiians got out and walked back towards our house still using very foul language. Then came the threat (we will be back)

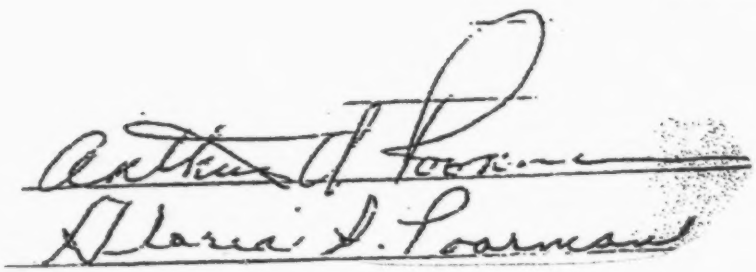
This is very unheard of actions and should not be dismissed lightly as this makes the problem larger.

The pickup then took off almost turning over going from one side of the road to the other. This is a very dangerous way to drive in a development containing small children.

If there are any questions that need to be answered please feel free to contact us.

"S/ Arthur Poorman"

"S/ Gloria Poorman"



Please note Gloria Poorman is my wife's mother and this letter is in reference to harassment and threats that they witnessed while they were visiting us at our home in Hawaii.

APPENDIX "0"

07 – 01 – 98 F – 65248
Sgt. L. Wilson KN

John Wentworth
P.O. Box 593
Captain Cook, Hawaii

PAGE 3 OF 4 PAGES

MEDICAL WAIVER

I obtained from the victim his consent for the release of his medical records concerning the injuries that he received on 07- 01 –98. This form is attached with this report.

"S/ Sgt. L. Wilson"

Please note that the police hid this medical report in which this gang member had attacked me with a deadly weapon and threaten me with death on our own private property with our 22 month old infant daughter in my arms. He went to the emergency room and told the doctor that he had gotten the scratches on his back because he had slipped and fell; that were actually caused by our dogs charging them; when they targeted us again to try to kill us. But prior to this he had told police that I had struck him with an 11 ¼ rock from the top of a 75 foot cliff while he was bent over on his knees by the water.

Follow the following pages and you will see how the police and prosecutor hid this medical report so they could fraudulently prosecute me in order to have some leverage to get me to drop the Federal lawsuit we had brought against them.

John WENTWORTH
83-6163 Mamalahoa Highway
Captain Cook, Hawaii

07-11-98
Ofcr. G. ANTOLIN

F-65248
KN
ASSAULT

INFORMATION

06-21-99: 1045 Hrs.: I was contacted by Det. W. YOUNG and asked regarding a medical waiver that was given to the victim so he could release the report to the police.

I also spoke to Deputy Prosecutor Linda WALTON and told her about the waiver.

INVESTIGATION

I do remember being assigned to the hospital, as a request from Det. W. YOUNG that the victim needed to sign the medical waiver.

I met with the victim at the emergency room and gave him the waiver form to sign so the treatment that he received at the hospital could be released.

Since it was signed at the hospital the form was left at the hospital so it could me completed by the attending physician.

I don't remember, if I picked up the form or not after it was completed.

DISPOSITION

Since this case had been routed to the prosecutor's office and it was requested by Prosecutor Linda WALTON that this supplementary be submitted, I request that a copy be routed to the prosecutor's office for their review.

ROUTE COPY TO PROSECUTOR'S OFFICE

Gregorio ANTOLIN, Jr. 9251
PD 2W KN
06-21-99 1220 Hrs.

APPENDIX "P"

INTEGBUSINESS SERVICES, INC.
16-643 KIPIMANA ST. STE. 20
KEAAU, HI 96749
PHONE: (808) 966-7454 FAX: (808) 966-8990

JUNE 16, 1999

PAVSEK & ASSOCIATES
98-025 HEKAHA ST. BLDG 4 #11
AIEA, HI 96701
ATTN: JOE PAVSEK

REGARDING: CASE NUMBER - 99-19K

PATIENT NAME: WENTWORTH, JOHN
DOB: 10/19/64

COPIES OF MEDICAL RECORDS WERE COPIED FOR:

REQUESTOR: KEALAKEKUA POLICE DEPT. BADGE # 251, COPIES OF WENTWORTH MEDICAL RECORD WAS RELEASED ON 10/19/98 WHICH WERE PICKED UP BY POLICE OFFICIER #251. FOR HOSPITAL SERVICE DATE: 7/1/98 EMERGENCY ROOM RECORD

REQUESTOR: OFFICE OF THE PROSECUTOR ATTORNEY, COPIES OF WENTWORTH WAS MAILED ON 3/25/99 TO P.O. BOX 748 KEALAKEKUA, HI 96750, FOR HOSPITAL SERVICE DATE: 7/1/98 EMERGENCY ROOM RECORD.

6/16/99

HELENA ANDRADE
OFFICE MANAGER

JOSEPH P. PAVSEK
NOTARY PUBLIC
STATE OF HAWAII

APPENDIX "p"

EMERGENCY DEPARTMENT
P.O. Box 69
Kealakekua, Hi. 96760 - 0069

EMERGENCY DEPARTMENT RECORD
SUPPLEMENTAL TO THE MEDICAL RECORD

Patients Name: WENTWORTH, John
MR#: 19987
DOB: 10/19/64
ACCT#: 153282
Date of Service: 07/01/98

CHIEF COMPLAINT: Multiple abrasions.

HISTORY OF PRESENT ILLNESS: The Patient is a 33 – year old male is brought to the Kona Hospital Emergency Department by family. The history was obtained from the patient. The patient states this afternoon he was standing at the bottom of a cliff when someone began throwing large rocks at him. He fell sustaining abrasions to his back.

REVIEW OF SYSTEMS: All systems are negative for complaints except as noted above.

PAST MEDICAL HISTORY: The Patient's past history is essentially unremarkable.

CURRENT MEDICATIONS: He takes no medications

ALLERGIES: He has no medication allergies.

SOCIAL HISTORY: Patient live in Kona. He denies substance abuse.

"S/ Douglas Rogers"

Please note this last comment, "He denies substance abuse." John Wentworth has a very long criminal history of theft, fraud and violence related to alcohol and substance abuse that I was prevented from showing to the jury.

Please note this is the medical report police and prosecutors were hiding so they could get my fraudulent conviction. Wentworth told police he struck by a large rock. But there was never any rocks thrown by me.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII, vs. RICHARD LOUIS ADAM, Defendant.	CR. number 99-019K

DEPOSITION OF DOUGLAS ROGERS, M.D.

taken on behalf of Defendant, Richard Louis Adam, at the Office of the Prosecuting Attorney, Kealakekua, Hawaii 96750 commencing at 7:05 p.m. on February 24th, 2000 pursuant to stipulation.

TAKEN BEFORE: M. SHARON SOUZA, CSR NO. 184
Notary Public, State of Hawaii

APPEARANCES:

For the State: DALE YAMADA ROSS, ESQ.
Deputy Prosecuting Attorney
P.O. Box 748
Kealakekua, Hawaii 96750

For Defendants: THOMAS ARTHUR HENSLEY, ESQ.
ALFRED P. LERMA, JR., ESQ.
P.O. Box 880
Kealakekua, Hawaii 96750

ALSO PRESENT: Richard Louis Adam

APPENDIX "p"

A. The notation I intended to make, "The patient lacked signs of abrasions to his extremities other than to the bottom of his feet."

Q. You follow -- strike that.

In place of that, you put the sentence, "All extremities demonstrate multiple superficial abrasions except for the plantar surface of both feet", correct?

A. That's how it's written.

Q. And you should have said that, "He lacked abrasions-- "

A. That's correct.

Q. -- on all extremities."

I show you -- this is 9A, I believe.

MRS. ROSS: 6B.

MR. HENSLEY: 6D?

MRS. ROSS: B as in boy.

MR. HENSLEY: B. I was close.

BY MR. HENSLEY:

Q. 6B, what does that represent?

A. There is an abrasion on his right hand.

Q. So we can't say then that all his extremities were free of abrasions, can we?

A. No.

Q. And you knew he fell, did you not, because he told you he fell?

APPENDIX "P"

A. That is correct.

Q. The dictation that you made reads, does it not, "The history was obtained from the patient --"

MRS. ROSS: Objection, hearsay.

MR. HENSLEY: Well, I don't think I'll need to argue that one, but hearsay that assists with diagnosis is admissible.

BY MR. HENSLEY:

Q. The patient states that "This afternoon, he was standing at the bottom of a cliff when someone began throwing large rocks at him. He fell sustaining abrasions to his back." That's on your record, is it not?

A. That is correct.

Q. And on the photograph which is Exhibit W, the photograph of the wound with the ruler next to it, you do see skin tags, do you not?

A. Yes, I do.

Q. And you see skin tags in multiple places, is that fair?

A. There are a few skin tags here.

Q. Now, when an abrasion, particularly the sort that has the flesh taken off, is essentially an avulsion, is it not?

A. That's the definition of avulsion, yes, flesh

APPENDIX "P"

Q. I'm talking about the time at which the injury took place, sir?

A. Oh, um -- how do I know he was standing up? I don't, all I can know is based on what he told me.

Q. And he told you he fell?

A. (The witness nods head up and down.)

Q. You have to answer.

A. Oh, yes.

Q. And you wrote in your report, "He fell sustaining abrasions to his back," correct?

A. Yeah. That is the history obtained from the patient. You asked me earlier if treating is what I do, the history has to be compatible with your physical findings.

Q. The avulsion wound of the right hand, does that appear to be an avulsion wound also?

A. You know, I don't see it very well in this photograph. It looks like a lot of the wounds we see when people fall in the lava rock.

Q. All right. And that's consistent with his falling on that hand on the lava as with any other means of --

A. With one exception, there's only one wound. Generally, when people fall they have multiple abrasions on multiple extremities, not a single lesion

APPENDIX "P"

CLINICAL LABRATORIES OF HAWAII

FEBRUARY 22, 2000

RE: MR. RICHARD ADAM

DEAR MR. LERMA:

I understand that you represent Mr. Richard Adam. I have reviewed the photographs and police reports in this case. I have not personally examined or spoken with the Plaintiff.

The photograph reveals a sweeping abrasion over his right posterior torso (the right side of his back). These photographs further show the creation of skin tags within the abrasion which point towards the plaintiff's buttocks. Based on standard principles of forensic pathology, these tags indicate a direction of force from the plaintiff's feet towards his head. This would be inconsistent with the plaintiff being struck from above with a dropped or thrown object.

Further, the length of the abrasions over the back is more consistent with the Plaintiff's body moving over a fixed object (i. e. : road rash).

Again, this opinion is based solely on the examination of photographs: I did not physically examine the plaintiff.

Should you have any questions, please do not hesitate to contact me at 808 – 242 – 2064 (ofc.) or 808 – 229 – 1528 (pgr.) My number in Oxnard California will be 602 – [illegible]17 – 2996.

Sincerely,

SINCERELY,

"S/ T. Manoukian"
Forensic Pathologist

T. MANOUKIAN
FORENSIC PATHOLOGIST

APPENDIX "P"

PERMISSION TO COPY ~~DENIED~~; HRS 606-13, ETC.

IN THE CIRCUIT COURT OF THE THIRD CIRCUIT

STATE OF HAWAII

STATE OF HAWAII,	CR. NO. 99-019K
vs.	
RICHARD LOUIS ADAM,	
Defendant.	

COPY

TRANSCRIPT OF PROCEEDINGS

Before the Honorable Ronald Ibarra, Judge, Kona Division, presiding, on April 26, 2000.

1. Defendant's Motion for Stay of Execution
2. Sentencing

APPEARANCES:

For the State of Hawaii:	DALE Y. ROSS, ESQ. Deputy Prosecuting Attorney County of Hawaii Post Office Box 748 Kealakekua, Hawaii
For the Defendant:	THOMAS ARTHUR HENSLEY, ESQ. Suite 3 - 30 Taunton Green Taunton, Massachusetts -- and -- ALFRED P. LERMA, JR., ESQ. Post Office Box 880 Kealakekua, Hawaii
REPORTED BY:	JULIE SORENSON, CSR 148 Official Court Reporter State of Hawaii

APPENDIX "Q"

PERMISSION -- COPY DENIED, HRS 606-13, ETC.

argument you wish to make that the Court should consider in your sentencing.

MR. ADAM: I would like to have these two witnesses testify on my behalf, your Honor, is one issue. And I would like the Court to consider my daughter. She needs me, your Honor.

THE COURT: As to the two witnesses, the Court has accepted the representation made by Mr. Hensley that they would so testify that you are a good and loving father, and that since this matter has occurred, there has been no more problems in the village.

That's correct, Mr. Hensley?

MR. HENSLEY: That's correct, your Honor.

THE COURT: The Court has accepted that.

Anything else, Mr. Adam?

MR. ADAM: No.

MR. LERMA: Your Honor, may I add something? Just real short. It only has to do with the daughter.

I represented Mr. Adam in the Family Court case, and we went through the arduous proceedings down in Family Court in regaining custody of his daughter. And his daughter suffered anxiety separation from being separated from her mother. Then she was placed with a foster parent, and attached to the foster parent, and suffered anxiety separation when she was removed from the foster parent and

APPENDIX "Q"

CARPENTERS - MILLWRIGHTS - PILEDRI

(PLEASE PRINT)

APPLICANT'S NAME:_____ SOCIA
(Last) (First) (Middle)

ADDRESS:_____ CITY:_____

TELEPHONE NUMBER (___)_____ COUNTY:_____

U.S. CITIZEN YES___ NO___ REGISTERED VOTER: YES___ NO___ PARTY:____

REFERRED TO THE CARPENTER'S UNION BY:_____

LANGUAGES SPOKEN: ENGLISH____ FRENCH____ SPANISH____ OTHER____

ANY CRIMINAL CONVICTIONS (OTHER THAN MISDEMEANORS)? Please explain _____

HAVE YOU EVER HELD UNION MEMBERSHIP IN ANY LABOR ORGANIZATION? __

IF YES, WHICH ONE?_____ LOCAL UNION #:_____

LIST THE LAST THREE CONTRACTORS EMPLOYED BY, AND POSITION HELD

DATES (MONTH & YEAR)	EMPLOYERS NAME & ADDRESS	SALARY PE
FROM:_____	_____	_____
TO: _____	_____	_____
FROM:_____	_____	_____
TO: _____	_____	_____
FROM:_____	_____	_____
TO: _____	_____	_____

EDUCATION:
HIGH SCHOOL ATTENDED: YEAR OF GRADUATION_____

POST SECONDARY EDUCATION: YEAR OF GRADUATION (if applicable) _____

APPENDIX "R"

DECLARATION OF JIM NEMETH

I, JIM NEMETH, declares as follows:

1. I have personal knowledge of and am competent to testify as to the following matters:
2. I am a citizen of the United States and at all times relevant to the complaint was a resident of the county of Hawaii, State of Hawaii.
3. Over the past decade I have witnessed local police officials such as Officer Stanley Haanio favor locals over Caucasians.
4. I live in the Milolii Beach Club Subdivision and have a very clear view of Mr. Adam's residence, as it once stood.
5. On or about July 1st or 2nd, 1998, I witnessed local police on Kai Avenue just about one block south of the Adam residence.
6. I saw Mr. Adam with his daughter, Mariah Adam, in his arms; As a matter of fact, I was talking to him on the phone, prior to the police arriving, and we had visual contact of each other as we were talking.
7. Before we started talking on the phone, I saw John Wentworth and his small white pickup truck racing away on the North end of Mr. Adam's residence.
8. After we got on the phone, Mr. Adam told me how John Wentworth had just attacked him and was trying to kill him and that he had to fire a round in the air to stop John Wentworth.
9. Mr. Adam then told me that John Wentworth damaged their pickup truck with a rock and was trying to throw some rocks at Mr. Adam and his daughter and that John Wentworth had the nerve to tell Mr. Adam that he was going to get him later.
10. Mr. Adam also stated that he had called 911 and was waiting for the police to arrive.
11. To my surprise, the responding police officers

stopped a few lots south of the Adam residence and ordered Mr. Adam to walk towards them with Mariah in his arms.

12. The responding police officers had guns drawn and officer Sato had a shotgun pointed directly at Mr. Adam's Daughter, Mariah Adam, who had her arms around her father.

13. The responding police kept their guns trained on Mr. Adam and his 20 month old daughter until officer Freitas handcuffed Mr. Adam and placed him in the police transport vehicle. The police would not let Mr. Adam have me to pick up the baby or anyone else for that matter. Instead the police took the child to foster care and Mariah only knew her parents and her babysitter so this caused her tremendous tauma.

14. On October 1, 1998, Mr. Adam's house caught on fire and I saw John Wentworth's truck racing away.

15. Detective Main also told me on one occasion that "Haoles" have no credibility out here and that "Haoles" have to take a lie detector test for 3 hours surrounding many of Mr. Adam's claims of discrimination.

16. Detective Main also told me that he did not want Mr. Adam to have his daughter Mariah returned to him.

17. Mr. Adam had many other individuals targeting him and his family with harm involving death threats and serious bodily harm and he got no assistance from police Chief Carvalho or officer Stanley Haanio or any other County of Hawaii police officers. While it would take the police three hours to respond to caucasians' calls for help, it only take 30 minutes to respond to locals calls for help. If a white person was assaulted an excuse was made, but

if a local had anyone look even at them cross – eye a full police investigation would be made.

18. On June 10, 1998, Mr. Adam's wife, Michele Adam, was forced off the road by a local male driving a reddish brown pick up.

19. June 13, 1998 at approximately 6:00 P. M. was the last time I saw Michele Adam because she was reported missing shortly thereafter and never seen again.

20. During the 1990's I was working for the association installing gates at the lower entrance to our subdivision. While there, some of these same individuals who have threatened Mr. Adam and his family threatened me at gun point.

21. Police Chief Wayne Carvalho and Detective Chung told me that this sort of conduct was cultural and that the missionaries stole their land.

22. I was unable to pursue charges against these same individuals who have threatened Mr. Adam and his family because they threatened to murder me and torch my house.

23. In 1993, I helped Michele Adam, who was then Michele Grimes, Purchase a 9mm hand gun for protection. Again, this was after these same individuals threatened her.

24. Police Chief Wayne Carvalho refused to send police officers to serve and protect Adam and his family, a slogan the police try to exude upon the community. Police Chief Carvalho instead cited cultural sensitivity and insufficient police power to send officers to such a remote part of the Big Island. In sharp contrast, as I have already indicated, police chief Carvalho seems to have no difficulty sending officers to protect the locals who were threatning Mr. Adam and his family. From my personal observations, Police chief Carvalho is related to some of these individuals threatning Mr. Adam and his

family and friends with others. Even the 911 dispatches would inquire whether the perpetrator was local or Haole prior to sending help when called.

25. I saw these same individuals who threatened Mr. Adam and his family steal 1000 feet of expensive pipe from our water line right in front of the police, who did nothing to stop the theft.

26. In 1998 I saw Allen Goo, a local from Milolii Village empty a pistol trying to shoot Terry Day, my neighbor. When officer Alu responded to the scene, he asked Terry Day how he got along with his cousins from Milolii village. Terry Day was then arrested but the police never searched for the gun Allen Goo had or the spent shells. Terry Day had to move as a result.

27. Conversely, when Mr. Adam fired his warning shot at John Wentworth, the police had no problem with thoroughly searching his home for a gun.

28. Officer Alu the same officer who came to Mr. Adam's after a local fired at his house and asked Mr. Adam if he knew his cousins. Officer Alu then left, taking no action to protect Mr. Adam and his family.

29. I observed officer Stanley Haanio converse with Shirley Casuga from Milolii Village for days on end, providing adequate police presence and protection, while at the same time, not doing the same for Mr. Adam and his family despite the danger Mr. Adam and his family constantly faced. Shirley Casuga once told me and others that Haoles only do what we want them to do.

30. I witnessed these locals from Milolii Village terrorize Mr. Adam and his Family for almost a decade, and yet Police Chief Carvalho and Officer Stanley Haanio refused to provide any police protection.

31. Steven Kuhuaia was the leader of this Milolii

gang until 1997 when he killed himself with a drug and alcohol overdose. Jason Aki then became the leader of this Milolii gang. Events culminated until Mr. Adam was forced to use deadly force against Jason Aki and John Wentworth who threatened and attempted to kill and his child. Instead of protecting Mr. Adam and his child, the police, under police chief Carvalho, arrested Adam and charged him with four counts.

32. Mr. Adam was forced to flee his residence with his child to New Hampshire because of the total lack of police protection in spite of all the above referenced threats and actions taken against Mr. Adam and his family.

33. On October 1, 1998, the Adam residence went up in flames and I saw John Wentworth's pickup truck racing away.

I, JIM NEMETH, do declare under penalty of law that the foregoing is true and correct.
Dated: Hilo, Hawaii, May 21, 2002

JIM NEMETH

"S/ Jim Nemeth"

DECLARATION OF DON MCKAY

I, DONALD MCKAY declares as follows:

1. I have personal knowledge of and am competent to testify as to the following matters:

2. I am a citizen of the United States and at all times relevant to the complaint was a resident of the county of Hawaii, State of Hawaii.

3. I was Richard Adam's next door neighbor until Mr. Adam moved away.

family and friends with others. Even the 911 dispatches would inquire whether the perpetrator was local or Haole prior to sending help when called.

25. I saw these same individuals who threatened Mr. Adam and his family steal 1000 feet of expensive pipe from our water line right in front of the police, who did nothing to stop the theft.

26. In 1998 I saw Allen Goo, a local from Milolii Village empty a pistol trying to shoot Terry Day, my neighbor. When officer Alu responded to the scene, he asked Terry Day how he got along with his cousins from Milolii village. Terry Day was then arrested but the police never searched for the gun Allen Goo had or the spent shells. Terry Day had to move as a result.

27. Conversely, when Mr. Adam fired his warning shot at John Wentworth, the police had no problem with thoroughly searching his home for a gun.

28. Officer Alu the same officer who came to Mr. Adam's after a local fired at his house and asked Mr. Adam if he knew his cousins. Officer Alu then left, taking no action to protect Mr. Adam and his family.

29. I observed officer Stanley Haanio converse with Shirley Casuga from Milolii Village for days on end, providing adequate police presence and protection, while at the same time, not doing the same for Mr. Adam and his family despite the danger Mr. Adam and his family constantly faced. Shirley Casuga once told me and others that Haoles only do what we want them to do.

30. I witnessed these locals from Milolii Village terrorize Mr. Adam and his Family for almost a decade, and yet Police Chief Carvalho and Officer Stanley Haanio refused to provide any police protection.

31. Steven Kuhuaia was the leader of this Milolii

gang until 1997 when he killed himself with a drug and alcohol overdose. Jason Aki then became the leader of this Milolii gang. Events culminated until Mr. Adam was forced to use deadly force against Jason Aki and John Wentworth who threatened and attempted to kill and his child. Instead of protecting Mr. Adam and his child, the police, under police chief Carvalho, arrested Adam and charged him with four counts.

32. Mr. Adam was forced to flee his residence with his child to New Hampshire because of the total lack of police protection in spite of all the above referenced threats and actions taken against Mr. Adam and his family.

33. On October 1, 1998, the Adam residence went up in flames and I saw John Wentworth's pickup truck racing away.

I, JIM NEMETH, do declare under penalty of law that the foregoing is true and correct.
Dated: Hilo, Hawaii, May 21, 2002

JIM NEMETH

"S/ Jim Nemeth"

DECLARATION OF DON MCKAY

I, DONALD MCKAY declares as follows:

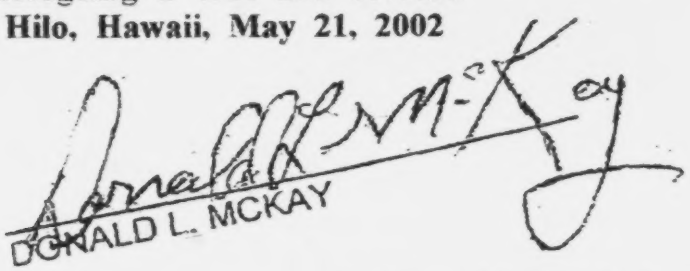
1. I have personal knowledge of and am competent to testify as to the following matters:

2. I am a citizen of the United States and at all times relevant to the complaint was a resident of the county of Hawaii, State of Hawaii.

3. I was Richard Adam's next door neighbor until Mr. Adam moved away.

4. Richard Adam was nowhere near his house the day it burned to the ground.
5. Mr. Adam had been struggling continuously for years with locals persecuting him.
6. On numerous occasions, I witnessed individuals coming to our private subdivision and trespassing and tormenting Mr. Adam.
7. I witnessed individuals coming to our private subdivision and trespassing and threatening Mr. Adam.
8. I witnessed individuals coming to our private subdivision and trespassing and assaulting Mr. Adam.
9. The day Mr. Adam's house burned to the ground, I witnessed a white pickup truck driving away from the area. The white pickup was not Mr. Adam's truck.
10. The County of Hawaii police Department never prevented or did anything to punish the individuals doing the above referenced acts to Mr. Adam and his family.

I, DONALD MCKAY, declare under penalty of law that the foregoing is true and correct.
DATED: Hilo, Hawaii, May 21, 2002



"S/ Donald L. McKay"

DECLARATION OF CHAD W. KNOTT

I, CHAD W. KNOTT declares as follows:
1. I have personal knowledge of and am competent to testify as to the following matters:
2. I am a citizen of the United States and at all times relevant to the complaint was a resident of the

county of Hawaii, State of Hawaii.

3. I was Richard Adam's neighbor until Mr. Adam moved away.

4. The day Mr. Adam's house burned to the ground, I witnessed a red or maroon and a white pickup driving away from the area. The red or maroon car and the white pickup truck were not Mr. Adam's vehicles.

5. The County of Hawaii Police Department never prevented or did anything to punish the individuals doing the above referenced acts to Mr. Adam and his family.

I, CHAD W. KNOTT, do declare under penalty of law that the foregoing is true and correct.

Dated: Hilo, Hawaii, May 21, 2002

Chad W. Knott

CHAD W. KNOTT "S/ Chad W. Knott"

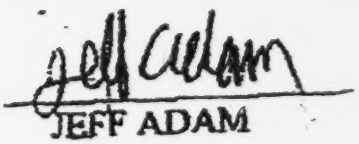
Jeff Adam
7 Corkum Road
Groveton, New Hampshire 03582

AFFIDAVITT OF JEFF ADAM

I am employed as a radiology technician at the Androscogin Valley Hospital located in Berlin, New Hampshire. I attended 2 years of college. I am the son of Richard and Brenda Adam. I am now 23 years old. My parents worked construction and we traveled all over the United States. When I was 12 years old my parents bought a piece of Ocean front property on the Big Island of Hawaii. My father and I had big dreams about fishing. My parents worked real hard to build us a nice house to reside in. I did

not take long our dreams about fishing were shattered by the reality of hostile gang of locals from Milolii Village that did not want us living there. The hostilities extended to me and my sister Kristi Adam at Hookena school and on the way home on the school bus. My fathers boat got sabotaged while moared in front of our residence. Our home was shot at. My parents called the police for help and could not get any help. My sister almost got ran over by this gang as they purposely racing past our home and yelling racial slurs. My mother feared for our safety and got on a plane with Kristi and I and left because the police would do nothing. Rather than getting into great details about all the incidents that took place. I have attached a true and correct copy of a letter that I wrote to my father years after my mother fled from there with us. Also I have attached a notarized copy of a letter my mother Brenda Adam wrote as to the events that took place out there, to which I swear to be true under penalty of the law. I still to this day remember the names of the gang members from Milolii village: Steven Kuahuia, Jason Aki, Casuga's, Kahale's, Llanes.

I SWEAR THAT THE FOREGOING IS TRUE UNDER PENALTY OF LAW.
Dated: Groveton, New Hampshire on may 29, 2002



"S/ Jeff Adam"

The following is the contents of the letter my son Jeff Adam wrote to me 3 years after his mother fled with them for their safety because the gangs police cousins would not protect us.

APPENDIX "S"

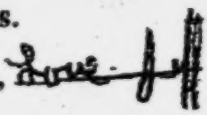
Dear Dad;

Hey, how is the weather out there? It is starting to get really cold here. So I bet you are enjoying the weather. Sorry I haven't written a while. I' ve been filling out college applications right and left. I have turned in about 7. All the colleges I'm looking at are really good schools that aren't expensive. They were the only ones I could find in New England that offered radiology. There is three colleges in Maine, 2 in New Hampshire, 2 in Vermont. There are some in New York but I refuse to go there. I have a decent chance of getting in at them all, but pickings are offly slim. All those colleges take about 30 new kids a year, so that is why I had to apply to as many colleges I can find.

So how are things going with the locals? Are they still harassing you? The police really need to take charge. It appears those people act as if there was no laws. I think its good you wrote to the FBI. Maybe if there is an investigation the Government of Hawaii will start will start acting like a government. Hawaii is part of the United States and that means they are suppose to abide by the same laws that bind all the States. Don't you think so? And the police have no bussiness asking if your white or local when you call for help. The shouldn't effect the type of service you get. But obviously it does. I hope they get what they deserve.

So how is your back? Are you still out of work? Have you decided on a future occupation yet. I have an Idea for you. Why don't you take some courses at the local college and become a cop? It's about six months top. Wouldn't that be the ultimate. Pay back, you becoming a cop! Wouldn't that pose an interesting twist to your problems. You would be nearly untouchable. Wouldn't you want to bust all those pricks for everything under the sun? Think

about that though, the locals wouldn't be able to mess with you anymore! I still can't believe all the shit that goes on out there. Those people are so ridiculous. I don't think the locals really know where there so called ancient burial grounds are. That's so funny that the so called burial grounds where your water pipe line was, is really a cow burial ground or whatever. They can't stop expanding technology. Once that area gets really populated there is nothing that can be done to deny people such a basic thing as water. I hope your legal suits kicks ass.
P.S. write back.

Love "S/ Jeff" 

Please note what they claimed to be a burial ground later proved to be an abandoned pig pen from years ago. The local police "or their cousins" watched them break the water line and haul the pipe to their residence in another community. And I had legal US Government permits to install that fresh water line for our community.
Also please note the attached letter that Jeff was referring to is in APPENDIX "O" as affidavit of Brenda Adam.

/

APPENDIX "S"

IN THE INTERMEDIATE COURT OF APPEAL
OF THE STATE OF HAWAII

---oOo---

STATE OF HAWAII, Plaintiff – Appelle,
RIDHARD LOUIS ADAM, Defendant – Appellant
NO. 23451
APPEAL FROM THE THIRD CIRCUIT COURT
(CR. NO. 99 – 019 K)
NOVEMBER 26, 2001
BURNS, C. J., WATANABE AND LIM, JJ.
OPINION OF THE COURT BY BURNS, C. J.

PAGE 15 IN LAST PART OF SECTION B IT SAYS:

Alternatively, we note that all Adam wanted was "that your Honor foreclose the State from attacking our defenses to the extent that the State might try to show that there was no prior serial harassment of Mr. Adam." Adam did not point out where in the record the State tried to make such a showing and we were unable to locate it. Unless the State tried to make such a showing, the alleged error is harmless error.

James A. Burns
Chief Judge

Corinne K.A. Watanabe
Associate Judge

Associate Judge

Please note that the reason they are not able to locate the racial serial harassment or where the State of Hawaii tried to show that there was no prior racial serial harassment is because the State of Hawaii through court reporter Susan Nakamoto criminally removed it all from the transcripts.

APPENDIX "T"

(2)

Supreme Court, U.S.
FILED
MAR 14 2005
OFFICE OF THE CLERK

NO. 04 – 1023

IN the SUPREME COURT of the UNITED STATES

March Term, 2005

RICHARD ADAM, PETITIONER

v.

STATE of HAWAII "et al",
RESPONDENTS

On petition for an Extraordinary Writ of Habeas Corpus to the United States Supreme Court.

PETITION FOR REHEARING

RICHARD ADAM, pro se
141 Lancaster Road, lot 30
Gorham, New Hampshire 03581
Tel. 1 (603) 723 - 1019

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Saint, Atty. Gen., v. Meraux, (1926) 163 La. 242, 111 So 691.

State ex rel. Atty Gen. v. Lazarus (1887) 39 La Ann 142, 1 So 361.

Kane v. Rudich (1939) 256 App. Div. 586, 10 NY S 2d 929.

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In re Jefferson, 753 So. 2d. 181.

In re Ferara, 582 N.W. 2d. 817, 458

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Matter of Fournier, 480 S.E. 2d. 738, 325 S.C. 194.

In Cannon v. Commission on Judicial Qualifications (1975) 14 Cal. 3d. 678, 122 Cal Rptr 778, 537 P 2d. 898.

In Wenger v. Commission on Judicial Performance (1981) 29 Cal 3d 615, 175 Cal Rptr 420, 630 P 2d. 954.

Cannon v. Commission on Judicial Qualifications (1975) 14 Cal. 3d. 678, 122 Cal Rptr. 778, 537 P 2d. 898.

Spruance v. Commission on Judicial Qualifications (1975) 13 Cal. 3d. 778, 119 Cal. Rptr. 841, 532 P 2d. 1209.

In RE Crowell (1979, Fla.) 379 So 2d 107.

In Re Turner (1982, Fla.) 421 So 2d. 1077.

In Re Terry (1975) 262 Ind. 667, 323 NE 2d. 192.

In Re Hague (1982) 412 Mich. 532, 315 NW 2d. 524.

In Re McDonough (1980, Minn.) 296 NW 2d. 648.

In Re Yengo (1977) 72 NJ 425, 371 A 2d 41.

In Judicial Inquiry & Review Bd. Of Supreme Court v. Fink (1987) 516 Pa. 208, 532 A 2d. 358.

In Wenger v. Commission on Judicial Performance (1981) 29 Cal. 3d. 615, 175 Cal. Rptr. 420, 630 P. 2d. 954.

In Re Ross (1981, Me.) 428 A 2d. 858.

In County v. Attorney of Maricopa County v. Superior Court of Maricopa County (1970) 11 Ariz. App. 346, 464 P 2d. 666.

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Peters v. Jamieson (1964) 48 Hawaii 247, 397 P 2d. 575.

Allen v. Bach (1930) 233 Ky. 501, 26 Sw 2d. 43.
In State v. McNary v. Jones (1971, Mo App.) 472 SW 2d. 637.

State v. Brown (1912) 8 Okla. Crim. 40, 126 P 2d. 45.

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Gabriel v. Gabriel, 7 Haw. App. 95. 746 P 2d. 574 (1987).

State v. Brown 70 Haw. 459, 776 P. 2d. 1182 (1989) 76 A.L.R. 4th 982.

Petitioner respectfully petition for rehearing following this Court's denial of Extraordinary Writ for Habeas Corpus relief to review the Judgment of the Hawaii Supreme Court in State of Hawaii vs. Richard Adam, Docket No. 26259 & 23451.

STATEMENT OF INTERVENING EVENTS

On February 1, 2005 I had Mojo Music Studio inspect a CD of a transcript of case No. CV 04 – 00315 SOM KSC from Federal District Court for the District of Hawaii which is directly related to this case. I had filed a removal petition to remove this case to Federal District Court. The State filed a remand motion and I was denied a fair opportunity to make my opposition. The Hawaiian Magistrate "Kevin Chang" during State's motion for remand walked out on me, thus denying me my chance to state my position and objection, on August 30, 2004. I appealed "docket No. 04 – 17096 now pending". And when I received the remand transcript it had been tampered with. So I ordered the CD and when I listened to it I could hear where it had been cut. I took the CD to Mojo Music Studio for inspection. Mojo Music Studio discovered that the CD had been cut and edited. Appendix A. On February 1, 2005 I also had Mojo Music Studio inspect a copy of a court reporter tape from Hawaii Circuit Court and Mojo found where Court reporter Susan Nakamoto had edited the name Wentworth. Also part of Appendix A. Shortly after this I received another Court reporter tape of another tampered transcript from a different case that is also directly related to this case. Where I had brought a

Federal lawsuit against police responsible for all these racially fabricated charges. Perjury had been committed by Police officers involved during trial in Federal District Court for the District of Hawaii. So I filed a motion to show cause for committing perjury in a federal court. I received the transcripts and noticed some tampering and editing that was done in order to cover up the perjury. Then I ordered the cassette tape from Federal District Court for the District of Hawaii, Case No. CV 98 – 00528 HG. When I listened to this cassette tape I noticed a different sound in the voice on the lines that had been edited. On February 22, 2005 I called this Court and talked with Heather Trant to inquire on how to supplement my Extraordinary writ with this new evidence. When I talked to Heather Trant she informed me that this Court had dismissed my petition. On February 28, 2005 I went back to Mojo Music Studio with the Court reporter tape from CV 98 – 00528 HG and they made an astounding discovery that a second video tele conference was held unofficially in order to make a false record in order to escape perjury in a Federal Court. In other words after I filed my motion to show cause for perjury, Defendants tried to duplicate the initial Video tele – conference and make corrections on court audio tape and transcript months after the trial. Appendix B. This case also is under appeal Docket No. 04 – 16646. At this time defendants refuse to disclose where the initial video tele – conference took place. (1) The initial video tele – conference there was 22 people in the court room. (2) When defendants did the illegal video tele – conference to cover up the perjury there was one or two people in the Court room. (3) See appendix B

Mojo Music Studio have made the proper analysis. (4) Mojo Music Studio and myself have notice the difference in echo between the initial or official video tele – conference and the illegal "the second". (5) The official video tele conference has less echo because there was more people in the room. (6) The illegal video tele – conference has more echo that is blatantly obvious. The foregoing is being done by the ultimate power of the dominating Hawaiian race in Hawaii. The Hawaiian race have ultimately undermined the integrity of a Federal District court in order to cover up this matter at hand. On February 11, 2005 I had New Hampshire Court reporter "Janet Carpenter" transcribe a video conference of January 28, 2005 between Hawaii attorney Shawn Luiz and myself. Attorney Luiz is a witness to the foregoing fraud that has taken place in Federal District Court for the District of Hawaii. See supplemental appendix that I submitted according to Kathy Tycz; which is this video conference's transcript.

ARGUMENT

This Court dismissed my extraordinary writ on February 22, 2005 with no reason given. Ongoing series of intervening events set forth in appendix A and B and supplemental Appendix were occurring and I was not able to make this court aware of them soon enough. And the foregoing combined with my Extraordinary Writ can only lead this Court to the inescapable conclusion to be drawn that I am being denied and cannot enforce in any Hawaii state or Federal court a right under any law providing for the equal civil rights of citizens of the United States, due to my race. Also as part of our constitution,

absolute innocence is suppose to win out. The Hawaiian race is using dishonest means to prevent my innocence from winning out. Whenever there is testimony or evidence in my favor, it is removed from the transcripts and in some instances fabricated text is added in the transcripts. Also the inescapable conclusion to be drawn in this case is the fact that I cannot exhaust my state remedy and or State remedy is futile.

Therefore the inescapable conclusion to be drawn is the fact that the only way I am going to get any Justice in this matter is for this court to accept and review my petition for an Extraordinary Writ of-Habeas Corpus.

CONCLUSION

For the reasons and evidence set forth above, and that contained in my Extraordinary Writ for Habeas Corpus relief, this Court should grant a rehearing and vacate it's order denying my Extraordinary Writ of Habeas Corpus. (1) Grant the petition and review the judgment below and vacate the sentence and or acquit me of all racially motivated fraudulent charges.

Respectfully submitted.

Richard Adam

RICHARD ADAM
141 Lancaster Road, Lot 30
Gorham, New Hampshire 03581
Tel. 1 (603) 723 – 1019

MARCH 14, 2005

CERTIFICATE

I certify pursuant to Supreme Court Rule 44.2 that this petition for rehearing is restricted to intervening circumstances of substantial or controlling effect or to no other substantial grounds not previously presented, and that it is presented in good faith and not for delay.

Dated: Gorham, New Hampshire March 14, 2005

Richard Adam

RICHARD ADAM

WWW. Mojomusicstudio. Com

po box 536 Franconia NH 03580

February 1, 2005

The following is our evaluation of the sound recordings brought to us by Richard Adam. These conclusions are the opinions of Mojo Music Studio.

Mojo Music Studio has been in business for 10 years; we run a full recording studio and produce a syndicated weekly radio show that requires extensive voice editing. We have the latest computer editing software. Due to the ever changing computer technology and editing capabilities, it makes it easy for someone to alter and tamper with any CD or tape. Certainly any qualified tech can alter a recording and make it impossible for anyone to detect.

We have found 3 areas in question on the CD. The obvious sound cut was on Page 4 line 1, of TR of Aug. 30, 2004 @ 9:31 am of case 04 – 00315 som/ksc.

The next area was Page 7 line 15, there appears to another word beginning to be said that begins with a "s" and then cut off to word that begins with "a".

Also on page 7 lines 2 –3 it appears to be missing text and added text.

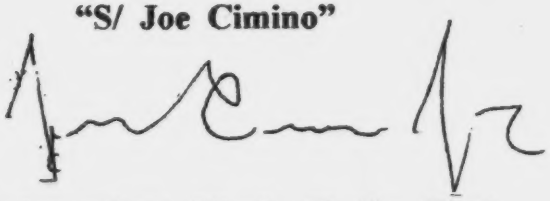
The fourth area in question was on cassette tape of TR Feb. 24th 2000 AM. In case # CR95 –204k between line 14 and 24 page 9, were the name Wentworth appear that an edit covers up the name and makes it inaudible. With the technology at the studio we were able to uncover it.

For further inspection as to what edit was done, we would need the original to compare the two...

Respectfully

"S/ Joe Cimino"

Mojo Music Studio



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APPENDIX A

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February 28, 2005

The following is a review of Transcript and Cassette tape of case number CV 98 – 00528HG. Of June 3rd, 2004 PM, regarding Arthur Poorman Testimony.

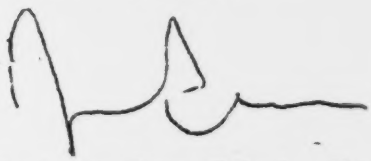
On page 170, line 25 onto page 171 line 1, the lines in question were loaded into the computer for further analysis. The sound of the foregoing appeared to have different tonal qualities. This could possibly be due to a different amount of people in the room at the time of the recording. The amount of people in a room will greatly affect the sound of the room, the more people in the room, the less echo the room will have, and the less people in a room, the more the room will echo. All the lines regarding the Poorman testimony reveals a echo with lots of people in the room at the time of the recording. Page 170, line 25 onto page 171 line 1, the voice appears of have more echo, possibly due to less people in the room.

The second noticible difference in sound is the speed and phrasing of the words on page 170 line 25 onto page 171 line 1, compared to the rest of the testimony of Arthur Poorman.

The third noticeable difference in sound is the phrasing and speed of Arthur Poorman, on line 25 of page 170. The way the "s" of Burns or Grimes extends over the "a" on "at", does not seem natural or match the rest of his speech and testimony. This appears that an edit took place at this point. It also appears that an edit done between lines 24 and 25 on page 170, and on lines 2 and 3 of page 171; In other words, line 25 on page 170 onto 171, lines 1 and 2 was edited into the tape at a different date.

Respectfully,

"S/ Joe Cimino"



Joe Cimino
Mojo Music Studio

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